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

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

GENERAL CONDITIONAL PAYMENTS PROVISIONS—BEET SUGAR AREA

On December 7, 1972, a notice of proposed rule making regarding the issuance of a revised regulation governing the conditional payments provisions of the Sugar Act of 1948, as amended, in the Beet Sugar Area, effective with respect to 1973 and subsequent crop years was published in the FEDERAL REGISTER (37 FR 26038).

Interested persons were given until January 8, 1973, to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all such relevant matter as was presented by interested parties, the regulations so proposed are hereby adopted, subject to the following change:

The proposed revision of the method of calculating farm normal yields contained in § 891.40(a) has not been adopted. The method of adjusting farm normal yields as originally provided for in § 841.5(a) (33 FR 1067) will remain unchanged.

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 831, Subchapter E of this chapter (29 FR 11824), Part 841, Subchapter F of this chapter (30 FR 14846; 33 FR 1067; 34 FR 14685; 35 FR 14498), Part 842, Subchapter F of this chapter (36 FR 25210), Part 849, Subchapter G of this chapter (36 FR 25211), and Part 895, Subchapter G of this chapter (30 FR 15206; 35 FR 4545) are deleted and the regulations therein are revised and incorporated into Part 891. Part 891, Subchapter K of this chapter of the Code of Federal Regulations (32 FR 7837, 8283; 34 FR 3737, 12657, 14378; 35 FR 4609) is revised as follows.

Effective date: March 9, 1973.

Signed at Washington, D.C., on March 1, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

PURPOSE AND BASES AND CONSIDERATIONS

To qualify for Sugar Act payments, sugar beet producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions, and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof.

This regulation represents an issuance of these general provisions applicable to the Beet Sugar Area. Prior to the revision of Part 891, the general conditional payments regulations applicable to the Beet Sugar Area were set forth in six separate parts. The consolidation of these separate parts provides a convenience for the user by placing all conditional payments provisions applicable to the Beet Sugar Area into one part.

This revision incorporated these parts into one, without substantive change, except as follows:

(1) Section 891.5 has been expanded to include the provisions of section 303 of the Act relating to the computation of abandonment and crop deficiency payments. This provision, heretofore, had not been included in applicable regulations.

(2) Section 891.15, paragraph (e), has been revised to conform with section 302(b)(2) of the Act which was amended in 1971 to provide for personal history of a farm operator who dies or becomes incapacitated. Section 891.15 was further changed to add paragraph (f) to conform with section 302(b)(10) of the Act which was added by the 1971 amendments to the Act to provide for history credit for farms (or producers in a personal history area) who lost a market for sugar beets as a result of the closing of a sugar beet factory.

(3) Section 891.22 has been added to provide that Sugar Act payments shall not be made to producers if illegal drug-producing plants are harvested on lands they own or control. The general applicability of this provision was previously set forth in Part 796 of Chapter VII, of this title.

Provisions of the Act relating to proportionate shares not included herein will be incorporated in the regulations pertaining to proportionate shares if and when it is determined by the Secretary that such shares are required.

PART 831—BEET SUGAR AREA

PART 841—NORMAL YIELDS; BEET SUGAR AREA

PART 842—BEET SUGAR AREA

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1972 AND SUBSEQUENT CROPS

PART 895—RELEASE AND REALLOTMENT OF SUGAR BEET PROPORTIONATE SHARE ACREAGE, 1966 AND SUBSEQUENT CROPS

Parts 831, 841, 842, 849, and 895 are deleted and the regulations therein are revised and incorporated into Part 891, reading as set forth below.

PART 891—GENERAL CONDITIONAL PAYMENTS PROVISIONS—BEET SUGAR AREA

Subpart A—General

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891.2 Definitions.
891.3 Instruction and forms.
891.4 Filing application for payment.
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891.37 Reallotment of released acreage.
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Subpart E—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

891.40 Farm normal yield.
891.41 Eligibility for abandonment and deficiency payments.
891.42 Approval and certification.

Subpart F—Determination of Sugar Commercially Recoverable

891.45 Determination of sugar commercially recoverable from sugar beets.

AUTHORITY: Secs. 301, 302, 303, 304, 305, 306, 403, 61 Stat. 929, as amended, 930 as

amended, 931, 932; 7 U.S.C. 1131, 1132, 1133, 1134, 1135, 1136, 1153.

Subpart A—General

§ 891.1 Purpose.

This part prescribes the authorizations and procedures applicable to the Beet Sugar Area under title III, conditional payments provisions, of the Sugar Act of 1948, as amended, effective for 1973 and subsequent crop years.

§ 891.2 Definitions.

For the purpose of this part, the term:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Deputy Administrator" or "DASCO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "State Committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(d) "State Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office (herein referred to as State Office) or any employee of such office authorized to act on his behalf.

(e) "County Committee" means the persons elected within a county as the County Committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "County Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service County Office (herein referred to as County Office).

(g) "Act" or "Sugar Act" means the Sugar Act of 1948, as amended.

(h) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugar beets grown on a farm for the extraction of sugar or liquid sugar.

(i) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugar beets for sugar;

(2) If such producer, whether alone or in conjunction with others, controls a person directly engaged in the processing of sugar beets for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugar beets for sugar.

(j) "Farm" means all land within a State farmed by the same operator and shall include, in addition, any land in an adjoining State or States farmed by such operator, if any of the equipment or labor used in the operation of the land in one State is also used in the operation of the land in the other State or States.

(k) "Operator" means, the producer (or producers) who has general control of the sugar beet operations on the farm. Guides of the county committee for determining the "operator" of a farm are set forth in paragraph (k) (1) to (7), inclusive of this section.

(1) The county committee shall determine the person (or persons acting together) who is a producer, as defined in paragraph (h) of this section, of the sugar beet crop and who has general control of the sugar beet operations and, hence, is the operator of all lands on which sugar beet operations are under his general control. The county committee shall determine the land that constitutes a farm in accordance with the definition of a farm in paragraph (j) of this section. To assist the county committee in determining who controls a sugar beet operation, there are set forth as follows certain factors that shall be given careful consideration in determining the operator of a farm. In developing information as to who controls a sugar beet operation where a partnership or legal entity such as a corporation is involved, the county committee shall consider whether an individual rather than the partnership or legal entity has the general control of the sugar beet operations and is a producer, as defined in paragraph (h) of this section, of the sugar beet crop.

(2) As possible indicia of control of a sugar beet operation, the county committee shall ascertain the producer who performs the following functions: (i) Controls the land (by ownership or lease); (ii) arranges for financing and is responsible for repayment of any loans or advances; (iii) arranges for and pays labor; and (iv) manages the sugar beet operations and makes the decisions with respect thereto.

(3) Also, as an indication of control over a sugar beet operation, the county committee shall ascertain whether a written record of accounts covering costs and income from such operations is maintained separately from that of any other operation in which the persons involved have an interest.

(4) Generally, the person (or persons acting together) who directs the sugar beet operation and who has the authority to make the final decisions with respect to growing, harvesting, and marketing the crop shall be considered as controlling the operation and, hence, the operator of the farm. Often, such person performs the actual farming functions himself. Usually, such person (or persons) also has the majority financial interest in the crop, either by direct ownership or indirectly by stock ownership or otherwise.

(5) Wherever a person has a substantial interest in more than one sugar beet operation, the county committee shall determine whether such operations are, in fact, separate and do not constitute a device to avoid the scale-down provisions of the Sugar Act.

(6) The fact that a person has a substantial interest or the majority financial interest in the crop of sugar beets does not preclude the county committee from determining that he is not the operator where it can be shown to the satisfaction of the committee that in consideration of other pertinent factors another person is a producer of the crop and controls the operations. Also, since the definition of a producer has been construed over a long period of time as not including a creditor whose only interest in a crop results from a lien upon a crop of sugar beets, such a creditor by not being a producer of such crop would not qualify as the operator of the land on which such crop was produced. For purposes of determining whether a person qualifies as a producer, as defined, the county committee should take into consideration that bare legal title does not solely determine the legal owner.

(7) In the following situations, it would appear that control of the sugar beet operations would be as indicated:

(i) Where two or more persons have the same ownership interest in a crop of sugar beets growing or grown on one or more tracts of land, and they are the only persons engaged in farming operations on such land, they will, generally, be considered as the operator of all of such land. However, if one or more of such persons is determined by the county committee as exercising control, he or they shall be considered as the operator.

(ii) Where a husband and wife not legally separated by judgment of a court are both engaged in the production of sugar beets and one of them shares in the crop produced on the land of the other, if the county committee determines that the one who shares in the crop of the other also controls the sugar beet operations of the other, the spouse exercising the control would be considered as the operator. If neither spouse shares in the sugar beet crop of the other, or the county committee determines that the indicia of control justify a conclusion that separate operations are involved, each such spouse would be considered as a separate operator.

(iii) If a minor child and a parent live in the same household and each is engaged in the production of sugar beets, the parent who is a producer of the crop would be considered the operator unless the county committee is satisfied that the minor child controls his sugar beet operations. However, the cosigning of a note by a parent to enable the child to obtain financing shall not of itself be considered as representing control by the parent. Any land farmed by a minor as a Future Farmers of America or 4-H project shall be considered a part of the parent's farm unless the land on which the sugar beets are grown is leased by the minor from someone other than the

parent and the parent has no control over the operation.

(l) "Ownership tract" means a farm or portion of a farm which is separately owned.

(m) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(n) "Planted acres" means the acreage of sugar beets within the farm proportionate share which was: (1) Harvested for the extraction of sugar, (2) abandoned (bona fide) insofar as its use in sugar production is concerned, because of drought, flood, storm, freeze, disease, or insects, or (3) any other acreage seeded to sugar beets for the production of sugar on lands suitable for the production of the crop and which was cared for during the growing season in a workmanlike manner.

(o) "Abandoned acres" means the planted sugar beet acreage on the farm (not in excess of the farm's share minus the acreage harvested for sugar) which meets all the requirements specified in § 891.41 with respect to approved abandoned acreage.

(p) "Harvested acres" means the acreage from which sugar beets were taken out of the ground preparatory to marketing for the extraction of sugar, when the completion of such marketing can be reasonably anticipated. Sugar beets which have merely been lifted or loosened shall not be classified as harvested. However, such acreage may be considered for classification as abandoned acreage pursuant to § 891.41.

(q) "Prevented acreage" means the number of acres on a farm (when shares are not in effect) (1) which the county committee determines would have been seeded to sugar beets of a crop for the production of sugar, but were not seeded to sugar beets because of drought, flood, storm, freeze, disease, or insects, or on approval of DASCO because of other similar abnormal or uncontrollable conditions, or (2) which the county committee upon prior approval of DASCO determines were seeded to sugar beets of a crop and were not harvested for the extraction of sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intervening force of nature, but which could not be determined by a member of the county committee to be bona fide abandoned acreage because the reason for the abandonment was not drought, flood, storm, freeze, disease, or insects.

(r) "Released share acreage" means the number of acres of the farm proportionate share initially established for the farm as adjusted by appeal (or tentative share in a personal history area), which the county committee determines will not be planted on a farm in any crop year, when shares are in effect, because of a crop rotation program or for other reason beyond the control of the producer. "Other reasons beyond the control of the producer" are limited to the following circumstances that cause an operator to be unable to utilize all or a portion of the farm proportionate share acreage established for his farm:

(1) The operator is unavoidably absent or incapable and, therefore, cannot fully utilize his proportionate share, and arrangements cannot be made for the production of sugar beets on his land through a management or customwork type of operation;

(2) Planting is prevented by flood, drought, storm, freeze, disease, insects, or other similar abnormal and uncontrollable natural conditions;

(3) A sugar beet processing company contracts to purchase from a farm operator sugar beets produced on some but not all proportionate share acreage established for his farm, or does not offer a contract to a farm operator to purchase sugar beets which could be produced on the proportionate share acreage established for his farm.

(4) A sugar beet processing company contracts or offers to contract to purchase sugar beets to be produced on the proportionate share acreage established for the farm but the operator does not plant all or a portion of the proportionate share acreage because the company is abandoning sugar beet processing operations.

(s) "Accredited acreage" or "accredited acres" for any crop year means the acres on the farm (within the share for such farm if shares are in effect), but excluding any acreage for which credit may not be given pursuant to § 891.38, which are determined by the county committee to have been (1) harvested for the extraction of sugar, (2) bona fide abandoned to the extent of fulfilling the requirement for abandonment set forth in § 891.41, as shown by records of the county office, (3) seeded to sugar beets for the production of sugar on lands suitable for the production of the crop and cared for during the growing season in a workmanlike manner, (4) prevented acres approved for the farm or recorded for the allotment area pursuant to § 891.30, or (5) released share acres approved for the farm pursuant to § 891.35.

(t) "Personal history area" means any State or substantial portion thereof in which the personal sugar beet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State committee is authorized by DASCO to use personal history of operators.

(u) "Farm history area" means any sugar beet production area which is not a personal history area.

(v) "Cropland" means the land suitable for the production of sugar beets on the farm.

(w) "Crop" or "crop year" means a crop of sugar beets designated by year. In southern California (including the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains and in any other State, a crop of sugar beets shall be designated by year to correspond with the calendar year in which the beets are planted. In other areas of California, a crop of sugar beets planted during the period beginning November 1, of one calendar year and ending October 31 of the following calendar year shall be designated by year to correspond with such following calendar year.

(x) "Annual yield for the farm" means the average yield in hundredweight of sugar commercially recoverable per planted acre, as computed from the production records applicable to all of the land constituting the farm in the crop year for which such annual yield is established.

(y) "County yield" means the average hundredweight of sugar commercially recoverable per planted acre in the county in a crop year, except that if the total number of farms producing such sugar beets was less than five for any such year, the county yield for such year shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected that year in such county considering weather conditions and the yields obtained from other crops.

(z) "County normal yield" means the simple average of the county yields for three or more of the next preceding 5 crop years for which county yields are established. If county yields are established for less than three of such years on the basis of the yields which could have been reasonably expected in such years, the county normal yield shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected in the county during such years considering weather conditions and the yields obtained from other crops.

(aa) "Commercially recoverable sugar" means the amount of sugar, in hundredweight raw value, determined annually as commercially recoverable from sugar beets grown on a farm in the Beet Sugar Area and marketed (or processed) for the extraction of sugar.

(bb) "Beet Sugar Area" means those States where sugar beets are grown and marketed (or processed) for the extraction of sugar.

§ 891.3 Instructions and forms.

DASCO shall cause to be prepared such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instructions, and data pertaining to the individual farms are available in the county office of the county in which the farm headquarters is located, or in the absence of a farm headquarters, in the county office of the county in which the major portion of land suitable for the production of sugar beets on the farm is located. A list of forms prescribed for the conditional payment program in the Beet Sugar Area is set forth in § 891.6.

§ 891.4 Filing application for payment.

(a) *Form to be used.* Applications for payments authorized under title III of the Act with respect to sugar commer-

cially recoverable from sugar beets grown on a farm, as well as for acreage abandonment and crop deficiency payments, shall be made on Form SU–110.

(b) *Person eligible to apply and certify compliance for payment.* The producer on the farm, or his legal representative, must sign and file form SU–110 in the county office or with a representative of such office for the county in which the farm headquarters is located or, in the absence of a farm headquarters, for the county in which the major portion of land suitable for the production of sugar beets on the farm is located. Each producer signing the application certifies that the application covers all land farmed as a unit as defined in paragraph (j) of § 891.2.

(c) *Closing date for filing.* Form SU–110 must be filed with respect to a crop of sugar beets no later than December 31 of the second calendar year following the year designating such crop. The producers shall be notified by the county office of the place and time the forms are available for signing.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the State committee determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugar beets in accordance with the provisions of section 304(d) of the Act. In the event of death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the county committee.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 891.5 Authority to make and computation of Sugar Act payments.

(a) The county committee is authorized to make payments on the conditions provided in this Part 891 with respect to sugar commercially recoverable from the sugar beets grown on a farm for the extraction of sugar or liquid sugar.

(b) In addition to the amount of sugar with respect to which payments are authorized under paragraph (a) of this section the county committee is also authorized to make payments, on the conditions provided in this Part 891, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage as determined in accordance with the provisions of § 891.41. Payments are authorized on the following quantities of sugar:

(1) With respect to such bona fide abandonment of each planted acre of sugar beets, one-third of the normal yield of commercially recoverable sugar per acre for the farm as determined by the county committee; and

(2) With respect to such crop deficiencies of harvested acreage of sugar beets, the excess of 80 percent of the normal yield of commercially recoverable sugar for the farm, as determined by the county committee, over the actual yield.

(c) Payment is computed as to each farm, and the amount of payment is scaled down in accordance with the following table when the quantity of sugar determined as provided in paragraphs (a) and (b) of this section exceeds 7,000 hundredweight:

If the hundredweight of commercially recoverable sugar determined for a farm is—	Multiply it by—	Then add—
1 to 7,000	$0.80	0
7,001 to 14,000	.75	$350
14,001 to 20,000	.70	1,050
20,001 to 30,000	.60	3,050
30,001 to 60,000	.55	4,550
60,001 to 120,000	.525	6,050
120,001 to 240,000	.50	9,050
240,001 to 600,000	.475	15,050
More than 600,000	.30	120,050

EXAMPLE: If the hundredweight of commercially recoverable sugar determined for a farm is 50,000 hundredweight: 50,000 × $0.55 equals $27,500.00 plus $4,550.00 totals $32,050.00, the amount of payment.

§ 891.6 List of prescribed forms.

Forms prescribed for the conditional payment program in the Beet Sugar Area.

FORM NUMBER AND TITLE

SU–79–Application To Produce and Market Sugar Under Bond.
SU–100–Request for Sugar Beet Proportionate Share.
SU–102–Sugar Beet Farming Unit Report.
SU–103–Notice of Sugar Beet Farm Proportionate Share.
SU–103–A–Notice of History Credit for Released Share.
SU–104–Sugar Beet Record Card.
SU–104–1–Personal Sugar Beet Record Card.
SU–107–Sugar Beet Marketing Report.
SU–109–A–Sugar Beet Normal Yield Worksheet.
SU–110–Application for Payment.
SU–112–List of Sugar Beet Producers.
SU–113–Farm Operator Check and Record Sheet.
SU–114–Summary of Applications for Payments.
SU–115–Child Labor and Wage Compliance Report.
SU–191–Claim Against Producer for Unpaid Wages.
SU–195–Sugar Act Payments Deductions.

Subpart B—Determination of Compliance With Conditions of Payments

§ 891.10 Obtaining information regarding eligibility for payment.

(a) Where information is necessary to assist the county committee in determining: (1) Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, (2) the facts constituting the basis for any such payment, or (3) the amount thereof, or

(b) Where information is necessary to assist the State committee or the Deputy Administrator in reviewing upon appeal, or upon their own initiative, a determination by the county committee:

(c) Any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title, as amended.

(d) In the absence of a provision in such Part 718 of this title for obtaining any such information, any employee of the county office or employees of the State office designated respectively by the county executive director or by the State executive director to be qualified to perform such a duty may obtain such information.

§ 891.11 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under title III of the Act prevents the obtaining of: (a) The information necessary to determine compliance with the conditions for any such payment, or (b) the facts constituting the basis of any such payment, and (c) the facts necessary to determine the amount of such payment, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer or his representative permits such information to be obtained.

§ 891.12 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, and except for a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed, no child under the age of 14 shall have been employed or permitted to work on the farm, whether for gain to such child or any person, in the production, cultivation, or harvesting of a crop of sugar beets with respect to which application for payment is made, nor shall any child 14 or 15 years old have been employed or permitted to work for a longer period than 8 hours in any one day.

(b) *Deduction for noncompliance.* Payment authorized under the Act may be made notwithstanding a failure to comply with the conditions set forth in paragraph (a) of this section, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the provisions of this section.

(c) *Proof of age.* The operator of a farm upon which a child is found by a representative of the county or State office or county or State committee to have worked or to be working in the production, cultivation, or harvesting of a crop of sugar beets shall be required upon request of the representative to furnish proof of age of the child unless such child is a member of the immediate family of a person owning at least 40 percent of the crop of sugar beets at the time such work was performed. Proof of age may be established by: (1) An age certif-

icate issued pursuant to any child labor program carried out under the supervision of State or Federal personnel, or other authorized personnel such as a school superintendent or principal, (2) a birth certificate or transcript thereof, (3) a baptismal certificate showing the date of birth, (4) a passport, (5) an insurance policy, or (6) a Bible record.

(d) *Proving child member of producer's immediate family.* If it is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or the operator of the farm must establish such relationship to the satisfaction of the representative of the county or State office or county or State committee. "Member of the immediate family" is deemed to include children living in the household of a person who is responsible for and provides the support of such children, either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the county committee shall determine by random selection the farms on which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 891.13 Compliance with the acreage certification and land use provisions.

If proportionate shares are in effect for a crop, and the operator of a farm located in a county designated in Part 718 of this title as a county in which farm operator's certification of the acreage and land use may be accepted in lieu of farm inspection and measurements either, (a) fails to file a report in compliance with § 718.8(b)(6) of this title, or (b) files a timely report showing that the acreage of beets is within the share for the farm and the county or State committee later determines that such acreage is in excess of the share and was knowingly reported incorrectly by the operator, no payment shall be made with respect to such farm.

§ 891.14 Compliance with other conditions of payment.

No person shall be eligible for payments under the Act unless he has met all requirements of the Act and the regulations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect) and, in case of a processor-producer, prices paid for sugar beets.

§ 891.15 Credit for accredited sugar beet acreage record.

(a) *Crediting production record of farms which are subdivided.* For the purpose of compiling sugar beet production records for use in establishing proportionate shares, when required, and for use in determining normal yields for abandonment and crop deficiency payments, as provided in § 891.41, the production record for a subdivision of any farm which is divided shall be credited with its actual planted acreage, approved prevented acreage determined under § 891.31 and approved acreage eligible for release determined under § 891.35 if available from records in the county office. However, if such records are not available in such office, the production records of the subdivisions shall be credited with a pro rata share, respectively, of the planted acreage, approved prevented acreage, and approved released acreage of the farm on the basis of the cropland suitable for the production of sugar beets in each subdivision.

(b) *Corporations.* (1) In case of the merger or consolidation of two or more corporations in a personal history area, the accredited acreage record of any of the constituent corporations shall be credited to the surviving or consolidated corporation if the surviving or consolidated corporation operates land for the production of sugar beets.

(2) The personal sugar beet production records of individuals or members of a partnership forming a corporation may be credited to such corporation at the time it is formed. Furthermore, the corporation must conform to all of the following requirements: (i) The corporation must be formed by the members of an "immediate family" as defined in paragraph (g) of this section; (ii) all shares of stock in the corporation must be held by members of the immediate family; and (iii) one or more of the shareholders must have a personal accredited acreage record in the proportionate share base period at the time the corporation is formed. Thereafter, such production records will be credited to such corporation, except that if, at the time a proportionate share is established for the farm operated by the corporation, less than a majority of the outstanding shares of stock are owned by members of such immediate family, such production records will cease to be credited to such corporation.

(3) Upon the dissolution of a corporation, no personal history credits of the corporation shall be transferred to individuals, except, that in the case of the dissolution of a corporation of which a majority of the stock is owned by members of the immediate family that included members owning stock in the corporation when it was formed, the history credit of such corporation may be transferred to such individual members of the immediate family owning stock at the time of dissolution in the same ratio that the number of shares of stock owned by each member of the immediate family in such corporation bears to the total shares of stock issued by such corporation.

(c) *Initiation of joint operation.* Where a person having a personal accredited acreage record in a personal history area and another person (or persons) initiate a joint operation of a farm for the production of sugar beets by a partnership or other form of joint enterprise, the farm base shall be established on the basis of acreage not exceeding the landowner's share of the sugar beet crops included in the farm's accredited acreage records. A farm base may be established on a basis of acreage not limited to the landowner's share of such sugar beet crops where the county committee determines, and a representative of the State committee concurs, that: (1) Such joint enterprise is conducted exclusively by the members of an immediate family, or (2) under such joint enterprise the person (or persons) having a personal production record during the base period qualifies either as the sole operator or as a joint operator of the farm, regardless of whether any other joint operator has a personal production record, and (3) the initiation of the joint operation was not made in an attempt to transfer a share or personal production history.

(d) *Dissolving of partnership.* If, in a personal history area, a partnership is dissolved, the accredited acreage record of the partnership shall be credited, pro rata, to the individuals who were members of the partnership on the basis of their respective contributions of sugar beet production history to such partnership at the time it was formed: *Provided, however,* That if such dissolved partnership was in existence for at least 3 years, the accredited acreage record of the partnership may be credited to each of the former partners in accordance with a written agreement signed by all of the former partners or their legal representatives.

(e) *Death or incapacity.* The personal sugar beet production history of a farm operator who dies, or becomes incapacitated, shall accrue to the legal representative of his estate or to a member of his immediate family if such legal representative or family member continues within 3 years of such death or incapacity the customary sugar beet operations of the deceased or incapacitated operator. If in any year during this period sugar beets were not planted by such legal representative or member of the family, production history shall be credited to such year equal to the acreage last planted by the deceased or incapacitated farm operator.

(f) *Closed factory history protection.* If any producer has lost a market for sugar beets as a result of: (1) The closing of a sugar beet factory in any year after 1970; or (2) the complete discontinuance of contracting by a processor after 1970 in a State; or (3) the discontinuance of contracting by a processor after 1970 in a substantial portion of a State in which the processor contracted a total of at least 2,000 acres of the 1970 crop of sugar beets, the county committee shall credit to the Farm (or to the operator in a personal history area) an acreage history for each of the next 3 years equal to the average acreage planted on the farm (or by the operator) in the last 3 years of such factory's operation or processor's contracting. Any unused proportionate share acreage resulting from such history credit shall not be transferred to other farms (or operators).

(g) *Immediate family.* For the purpose of the section the term "immediate fam-

ily" shall include only persons who have one of the following relationships to an owner-operator or the persons credited with the personal sugar beet production records: Spouse, father, mother, brother, sister, children, grandchildren, and spouses of a brother, sister, or children. This definition applies regardless of whether such persons reside in the same household.

§ 891.16 Determination of eligibility and basis for payment, review and appeals.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this section. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee, subject to redetermination initiated by the county committee and to review initiated by the State committee and to approval or redetermination by the State committee. Any determination by the State committee shall be subject to redetermination initiated by the State committee and to review initiated by the Deputy Administrator and to approval or redetermination by the Deputy Administrator. Determinations and redeterminations by the county committee, the State committee, or the Deputy Administrator shall be made in accordance with the Act and regulations and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within 15 days from the date of mailing of such written notification. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amounts of payments under the Act, and the procedure to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Chapter VII, Part 780, of this title. The procedures applicable to claims for unpaid wages are set out in Part 862 of this chapter.

§ 891.17 Notification of shares when shares are in effect.

Each person filing a request for a share shall be notified in writing on behalf of the State committee of the share established in response to his request (even if "none"), and of any subsequent adjustment or change made in such share, and of his right to appeal under § 891.16. The farm operator of each farm for which a share is redetermined shall be notified in writing on behalf of the State committee of the redetermined share and of the right to appeal therefrom as provided in Part 780 of this title. Where a tentative share is computed pursuant to a preliminary request for a share filed as provided in Part 850 of this chapter, the person filing such request shall be furnished a notice informing him that the acreage stated thereon is a tentative share, does not constitute the establishment of a farm share for the purpose of payment under the Act, and that a farm share for such purpose may be established only upon the filing of a fully completed request for a share within the time and in the manner provided in Part 850 of this chapter.

§ 891.18 Harvesting within the farm's share when shares are in effect.

The acreage of sugar beets grown on the farm, marketed (or processed), and used for the production of sugar or liquid sugar shall not exceed the share determined for the farm in accordance with applicable regulations in Part 850 of this chapter, except as provided in § 891.20. However, sugar beets grown on acreage in excess of the share may be marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the operator of the farm furnishes weight tickets to the county committee evidencing that such sugar beets were sold by him, or were processed by or for him, for the production of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this paragraph, the farm shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugar beets were marketed (or processed) for sugar from an acreage on the farm exceeding the share: *Provided*, That (a) such excess acreage is not more than the larger of four-tenths acre or 2 percent of the share but not in excess of 5 acres, and (b) the county committee finds that the farm operator did not intentionally market (or process) sugar beets from an acreage in excess of the share for the farm and the State committee concurs in such findings, and (c) within 1 year from the date of the processing of such excess sugar beets, the farm operator has arranged for the raw value equivalent of sugar produced from sugar beets in the Beet Sugar Area which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter to be made subject to a bond given pursuant to the provisions of such Part 816 of this chapter, which provides as a condition of such bond that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in such case shall be limited to the amount of sugar commercially recoverable from the sugar beets marketed (or processed) from the acreage within such share.

§ 891.19 Notification of excess sugar beet acreage when shares are in effect.

If the county committee determines for any crop that the acreage of sugar beets on any farm is in excess of the acreage established as the share for such farm, written notice of such excess acreage and of the eligibility requirements for payment shall be mailed to the person who is listed on the county office records as the operator of the farm.

§ 891.20 Erroneous notice of share or of excess sugar beet acreage when shares are in effect.

If through error, an operator is officially notified of a share for his farm greater than the share properly established, or is furnished an incorrect notice of excess sugar beet acreage, or if the determined acreage of sugar beets is in excess of the share for the farm and notice thereof is not mailed to the operator, and it is found by the county committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugar beet acreage being mailed to him, markets sugar beets from an acreage in excess of the share properly established, the farm will be deemed to be in compliance with the correct share unless sugar beets are marketed for sugar from an acreage in excess of the share stated in the erroneous notice, or unless it is determined by the county committee that the error in the share or notice was so gross, or that, the excess acreage was so gross as to place the operator on notice regarding the error in the share or of the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar determined by the county committee to be commercially recoverable from the sugar beets marketed (or procesed) from the acreage within the property established share.

§ 891.21 Eminent domain.

The share established for a crop designated by year for a farm which was removed from sugar beet production in its entirety or in part by acquisition within the 3 years immediately preceding the year designating such crop by an agency or entity entitled to exercise the right of eminent domain, shall, upon application by the owner of the land so removed to the appropriate State office, be added to the share established for such crop for any land owned by the owner in the same State to the extent requested in the application. The acreage so added shall not exceed the difference between the share established for the farm from which production was removed and the share established for the part of the farm not lost by the acquisition. Where application is not made as provided in this section for the entire share or part thereof established for the farm, the share or part thereof not applied for shall be reserved by the

State committee for 3 years after the date of acquisition or until application is made by the owner of the land removed, whichever is earlier: *Provided*, That such reserved share or part thereof shall be subject to any adjustments required to be made in establishing shares for old-producer farms under the regulations applicable during the period the share is reserved. The acreage of such reserved shares not applied for may not be reallocated to other old-producer farms.

§ 891.22 Harvest of illegal drug-producing plants.

In accordance with Part 796 of Chapter VII, of this title, after August 10, 1971, a Sugar Act payment shall not be made to a farm if any producer with respect to such farm harvests or knowingly permits to be harvested for illegal use, marihuana or other such prohibited drug-producing plants on any lands included in the farm. Such prohibited plants are specified in § 796.2 of Chapter VII of this title.

Subpart C—Prevented Acreage Credit

§ 891.30 Prevented acreage credit.

(a) The county committee shall determine prevented acreage credits in accordance with the provisions of this section as part of the general determination of performance. The limitations specified in paragraph (b) of this section are applicable in determining prevented acreage credit for farms in all areas including personal history areas.

(b) The prevented acreage of a crop to be credited to a farm shall not exceed the difference between: (1) The sum of the acreage harvested of such crop on the farm plus any bona fide abandoned acreage of such crop on the farm, and (2) the largest sum of the acreage harvested, bona fide abandoned acreage, prevented acreage and approved released acreage credited pursuant to §§ 891.35 through 891.38 of this chapter for any of the three crops immediately preceding the crop for which prevented acreage is to be credited to the farm.

§ 891.31 Determining and recording prevented acreage credit.

(a) Subject to the provisions of this section, the county committee shall determine the extent of prevented acreage of a crop to be credited to each farm and in a personal history area to be included in the production records of farm operators, upon the basis of: (1) The prevented acreage reported to the committee with respect to such farm by the operator or owner thereof, and (2) information brought to the attention of the county committee.

(b) For all States except California and Arizona information of prevented acreage shall be reported or brought to the attention of the county committee not later than July 15 of the year used to designate the crop involved in the prevented acreage. In the California counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains, and in the Arizona counties of Maricopa, Pima, Pinal, and Yuma, such information shall be reported or brought to the attention of the committee not later than January 15 of the year following the year used to designate the crop involved in prevented acreage. In the California counties not named above, such information shall be reported or brought to the attention of the committee not later than November 15 of the year used to designate the crop involved in prevented acreage. In the Arizona counties not named above such information shall be reported or brought to the attention of the committee not later than July 15 of the year used to designate the crop involved in the prevented acreage. Notwithstanding the foregoing provisions of this paragraph information of prevented acreage may be reported to a county committee after the date specified in this paragraph if the county committee determines that the person reporting such information failed to timely report because of illness or other reason beyond his control.

(c) The prevented acreage credit for each farm for any given crop as determined by the county committee, together with a brief reference to the basis relied upon by the committee in determining the extent of such credit shall be recorded on the appropriate county office records.

§ 891.32 Notification.

In each case of denial or reduction of prevented acreage credit the county committee shall notify the person reporting the prevented acreage regarding the credit, if any, approved in his case, and inform him of the basis for denial or reduction and of his right to appeal under Part 780 of Chapter VII of this title.

Subpart D—Released Share Acreage Credit

§ 891.35 Limitation and retention of accredited acreage credit.

(a) The number of proportionate share acres released and approved by the county committee for credit to a farm or farm operator shall be the share or portion thereof eligible for release.

(b) Accredited acreage credit shall be given to a farm (or farm operator in a personal history area) releasing the acreage, equal to the share or portion thereof eligible for release for a period not to exceed 3 consecutive years including the crop year in which released: *Provided*, That the operator of the farm (or person in a personal history area who has a personal accredited acreage record) releases such share or portion thereof at the county office of the county in which the headquarters of the farm is located. Such a release shall be executed for each individual crop year when proportionate shares are in effect but not to exceed 3 consecutive crop years.

(c) The release must be filed prior to a date determined and published by the State committee as the date beyond which sugar beets are not normally seeded in the area, except that if the county committee finds that the eligible producer was prevented from filing a release by such date for reasons beyond his control, his claim as filed subsequently may be considered.

§ 891.36 Notice and right to appeal.

(a) In each case in which the county committee determines that the facts do not justify approval of the release of a share or part thereof the county committee shall notify the person filing the release of such determination giving the basis for such decision.

(b) Such notification shall inform the producer of his right to appeal, under Part 780 of Chapter VII of this title.

§ 891.37 Reallotment of released acreage.

The acreage resulting from the release of all or a portion of the shares pursuant to §§ 891.35 and 891.36 may be reallotted to other farms in the area on which additional acreage may be utilized or to farms in other allotment areas in the State. Reallotment shall be subject to the conditions in § 891.38 and shall be made in the same manner as provided in Part 850 of this chapter for the distribution of unused proportionate share acreage. Only those sections of Part 850 which are effective for the crop year in which the released acreage is reallotted shall apply.

§ 891.38 No accredited acreage credit for reallotted released acreage.

A farm on which the reallotted released acreage (as approved pursuant to §§ 891.35 and 891.36) is used, or the operator of such farm in a personal history area, will not receive accredited acreage credit for such utilized acreage. Likewise, recognition will not be given to such reallotted acreage in establishing State allocations or area allotments.

Subpart E—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

§ 891.40 Farm normal yield.

The normal yield per acre of each sugar beet farm in the Beet Sugar Area shall be established for the 1973 and subsequent crops as follows:

(a) Farms with planted acres in 3 or more years. For a farm on which there were planted acres in 3 or more years in the base period, the farm normal yield shall be the simple average or the annual yields of such crops for the farm: *Provided, however*, That if the normal yield so determined for any farm is less than 90 percent of the county normal yield established pursuant to paragraph (z) of § 891.2 due to the effect solely of drought, flood, insects, storm, freeze, or disease on production of planted acres in one or more of the base-period years, the normal yield for such farm shall be established as follows: (1) Increase the annual yield for the farm which is less than 90 percent of the county average yield for any year in the base period solely because of drought, flood, insects, storm, freeze, or disease to the lesser of

90 percent of the county average yield or the highest annual yield for the farm in the base period; (2) add the increased yields thus determined to the annual yields for the farm for the other years in the base period in which there were planted acres on the farm and divide by the total number of such years.

(b) For a farm on which there were planted acres in only one or two of the next preceding 5 crop-years, the normal yield shall be the product derived by multiplying the county normal yield by the percentage obtained by dividing the simple average of the annual yields for the farm for such year or years by the simple average of the county yields for such year or years, except that the normal yield for such farm shall be not less than 80 percent nor more than 120 percent of the county normal yield.

(c) For a farm on which there were planted acres in none of the next preceding 5 crop-years, the normal yield shall be 90 percent of the county normal yield.

§ 891.41 Eligibility for abandonment and deficiency payments.

(a) For each crop, each farm having abandonment of planted sugar beet acreage, or having a crop deficiency of harvested sugar beet acreage below 80 percent of the normal yield for such acreage as determined in accordance with § 891.40, or having both such abandonment and deficiency, shall be approved by the county committee for payments relating thereto if the following requirements with respect to the farm are met:

(1) The sugar beets were planted on the farm on land suitable for the production of the crop, in a timely and workmanlike manner and under conditions conducive to normal production;

(2) The sugar beets were cared for up to the time of abandonment or harvest, as the case may be, in a manner which could have been expected, under average conditions, to produce a normal crop;

(3) The abandoned acreage could not have been reseeded to sugar beets in the same crop cycle under conditions offering at least a fair opportunity for production;

(4) The abandonment of planted sugar beet acreage on the farm, or the crop deficiency below 80 percent of the normal yield of the harvested sugar beet acreage on the farm, resulted directly from drought, flood, storm, freeze, disease, or insects;

(5) With respect to acreage abandonment, the county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes: *Provided*, That the county committee may waive the requirements of prior notification if such committee (i) has knowledge that sugar beets were planted on the abandoned acreage and the extent of such plantings, and (ii) has knowledge of widespread crop damage in the locality where the farm is located, and (iii) is satisfied that the abandonment on the farm in question resulted directly from draught, flood, storm, freeze, disease, or insects;

(6) There was compliance with all the other conditions for payment prescribed by the Act.

§ 891.42 Approval and certification.

Approval by a member of the county committee on behalf of such committee of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to which such application is made is eligible for an abandonment or a deficiency payment, or both, as the case may be.

Subpart F—Determination of Sugar Commercially Recoverable

§ 891.45 Determination of sugar commercially recoverable from sugar beets.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Settlement area" means an area in which the marketing agreements between producers and the processor for each crop of sugar beets contain a common pricing formula.

(2) "Base period" means the first five of the last six crops immediately preceding the crop year for which rates of recoverability are to be established.

(3) "Extraction rate" for a crop means the percentage obtained by dividing the hundredweight of refined sugar recovered from the total quantity of sugar beets marketed for the extraction of sugar in the United States by the hundredweight of total computed sugar content of such beets. The sugar content of such beets shall be computed by multiplying the quantity of beets marketed to each sugar beet processing company by the weighted average sugar content of cossettes sliced in the factories operated by the company and adding the products for all such companies to obtain the total computed sugar content.

(b) *Recoverable sugar.* The amount of sugar, raw value, commercially recoverable from sugar beets shall be deemed to be as follows:

(1) In the case of sugar beets marketed in a settlement area under any type of agreement other than an "individual test" contract or a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (1 ton) by the weighted average percentage of sugar content of all the sugar beets of the next preceding seven crops marketed on such basis in such settlement area, according to cossette tests made by the processor, and (ii) multiplying the result obtained under paragraph (b) (1) (i) of this section by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07.

(2) In the case of sugarbeets marketed under an "individual test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rates shall be computed by (i) multiplying 20 hundredweight (1 ton) by the percentage of sugar content on which settlement under the marketing contract is made, (ii) multiplying the result obtained under paragraph (b) (2) (i) of this section by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07, and (iii) multiplying the result obtained under paragraph (b) (2) (ii) of this section by the ratio which the simple average for the crops in the base period of the annual weighted average percentages of sugar content of all the beets which were marketed under individual test contracts, according to cossette tests and tonnages processed, bears to the simple average of the annual weighted average percentages of sugar content of such beets according to individual tests and marketed tonnages.

(3) In the case of sugar beets marketed under a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by:

(i) Multipling the weighted average percentage of sugar content of the beets delivered by a producer by a factor computed by dividing the factory cossette test average by the weighted average sugar content of beets comprising at least 97 percent of the current crop delivered to the factory as determined by individual tests. The factory cossette test average shall be the weighted average percentage of sugar content of all the sugar beets of the next preceding seven crops marketed in such settlement area and determined by factory cossette tests. The weighted average sugar content of beets comprising at least 97 percent of the current crop delivered to the factory shall be computed from individual tests of the beets so delivered at such time as the State committee determines that at least 97 percent of the sugar beets of a crop have been delivered and tested for sugar content in the settlement district.

(ii) Multiplying 20 hundredweight (1 ton) by the adjusted average percentage obtained in subdivision (i) of this subparagraph, and

(iii) Multiplying the result obtained in subdivision (ii) of this subparagraph by the simple average of the extraction rate for the sugar beet crops in the base period, as adjusted to raw value by multiplying by 1.07.

(c) *Delegation and effectiveness.* The applicable rate of sugar commercially re-

coverable, as determined herein, shall be established by the Deputy Administrator, and shall become effective for each crop when the specific rate for individual settlement areas, as provided for in paragraph (b)(1) of this section, and directions for computing the rates provided for in paragraph (b) (2) and (3) of this section are published in the FEDERAL REGISTER.

[FR Doc.73-4437 Filed 3-8-73;8:45 am]

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

[Navel Orange Reg. 291]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 9–March 15, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Naval orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.591 **Navel Orange Regulation 291.**

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained active this week, with prices slightly higher than a week ago. Prices f.o.b. averaged $3.62 a carton on a reported sales volume of 998 carlots last week, compared with an average f.o.b. price for $3.56 per carton and sales of 902 carlots a week earlier. Track and rolling supplies at 418 cars were up 92 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 9, 1973, through March 15, 1973, are hereby fixed as follows:

(i) District 1: 949,302 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: March 7, 1973.

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

[FR Doc.73-4757 Filed 3-8-73;11:30 am]

[Lemon Reg. 576]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 11–17, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.876 **Lemon Regulation 576.**

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has slackened, but is expected to improve soon. Average f.o.b. price was $5.58 per carton the week ended March 3, 1973, compared to $5.44 per carton the previous week. Track and rolling supplies at 101 cars were up 11 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is per-

mitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 11 through March 17, 1973, is hereby fixed at 250,000 cartons.

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

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

Dated: March 8, 1973.

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

[FR Doc.73-4758 Filed 3-8-73;11:30 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 73-302]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Access to Board Records

FEBRUARY 23, 1973.

Section 505.4 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.4) provides for public access to Board records. Paragraph (d) of said section sets forth procedures for public inspection and copying of those records. The fifth sentence of said paragraph (d) presently provides: "A person requesting access to or copies of particular records shall pay a prescribed fee based upon the estimated cost of locating, preparing for inspection, or copying such records."

The Board considers it desirable to amend said fifth sentence by revising it to specify that the present "prescribed fee" is $5 per hour for searching and preparing for inspection and 10 cents per page for copying.

In addition the Board considers it desirable to further amend paragraph (d) of said § 505.4 by adding a new sixth sentence in order to specify the instances in which payment of the fee may be waived by the Secretary to the Board or a designated Assistant Secretary. The specified instances are those in which the total charges are less than $2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest. Accordingly, the Board hereby amends said paragraph (d) of § 505.4 by revising it to read as set forth below, effective March 9, 1973.

Since the above amendments are for the purpose of specifying agency practice regarding access to records, the Board finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 533(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board provides that said amendment shall become effective on March 9, 1973.

Section 505.4 is amended by revising paragraph (d) thereof to read as follows:

§ 505.4 **Access to records.**

* * * * *

(d) *Obtaining access to records.* Records of this Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, DC 20552. Any person requesting access to, or copying of, such records shall submit such request in writing to the state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance Secretary to the Board. The request shall of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay the costs of searching, preparing for inspection, or copying such records at the rate of $5 per hour for searching and preparing and 10 cents per page for copying. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive such payment in instances in which total charges are less than $2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(Sec. 1, 81 Stat. 54; 5 U.S.C. 552; sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73-4601 Filed 3-8-73;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

FARM CREDIT SYSTEM

In the FEDERAL REGISTER for January 24, 1973, at page 2336, notice was given that the Farm Credit Administration, by its Federal Farm Credit Board, had under consideration proposed amendments of its regulations which, for purposes of nonfarm home lending, would (1) redefine a rural area, (2) provide for the establishment of standards of rural subdivision design, (3) delete the provision for bench marks on rural residences, (4) provide for the identification of housing loans as farm loans under certain circumstances, and (5) delete the definition of a commercial subdivision. Interested persons were afforded an opportunity to file written comments or suggestions thereon not later than March 1, 1973. Two written comments were received. They supported the proposed rule making. A copy is available for examination by interested persons in the Office of the Director of Information, Farm Credit Administration.

The Farm Credit Administration, as authorized by its Federal Farm Credit Board, has adopted as final and issued effective March 5, 1973, the amendments of its regulations relating to nonfarm home lending as proposed in the notice published in the FEDERAL REGISTER on January 24, 1973. The Farm Credit Administration also has adopted as final and issued effective March 5, 1973, fur-

ther amendments of its regulations which (1) correct references to a Credit Manual and procedure which are no longer used, (2) provide for the submission of certain loans to the Farm Credit Administration for prior approval, and (3) include Federal land bank associations within the coverage of a policy insuring the shipment of valuables. Since these further amendments (1) and (2) relate to loans, and (3) relates to instruments involved directly or indirectly in the loanmaking function which are shipped by Federal land bank associations, it is found that as to these further amendments the notice of proposed rule making provided for in 5 U.S.C. 553 is unnecessary, and any delay in their issuance is not in the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising paragraph (g) and adding a paragraph (i) in § 613.3040; by revising paragraph (c) in § 614.4190; by deleting paragraph (b) and renumbering paragraphs (c) and (d) as (b) and (c), respectively, in § 614.4390; by adding a paragraph (c) in § 614.4430; by revising subparagraph (b)(2) in § 614.4490; by revising § 615.5500; and by deleting § 619.9070. The revised, added, and renumbered sections, paragraphs, and subparagraphs are as follows:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3040 Rural residents.

* * * * *

(g) For the purposes of nonfarm home lending only, a rural area is agricultural open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include subdivisions or villages associated with or adjacent to a larger population center. The intent is to avoid lending in concentrated, high-density residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center.

* * * * *

(i) The establishment of standards of rural subdivision design shall encourage an orderly development of economically stable communities in a healthful rural living environment. The bank shall prescribe appropriate standards subject to the approval of the district board for eligible subdivisions located in rural areas. Standards for rural subdivisions shall be designed to assure:

(1) Conformation where applicable with general planning policies of the planning agency having jurisdiction;

(2) Compliance with all local regulations, ordinances, and codes;

(3) Adequate and dependable water and waste disposal system;

(4) Adequate, economic, safe and dependable streets, lot layout, utilities, grading and drainage; and

(5) That the location will provide desirable permanent living conditions for the residents so as to insure long-term market demand and acceptability.

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4190 Federal intermediate credit banks.

* * * * *

(c) *Direct loan limitation.* The total credit extended to a production credit association under a direct loan and by discounting loans may not at any time exceed the total of that portion of the total loans, including participations purchased from other lenders, considered acceptable and problem (as defined by loan classification standards set forth in § 614.4051(a)(4)) in accordance with the percentage as classified in the bank's most recent credit review, or such percentages as may equitably represent the same percentages on a current basis, such alternate procedure to be subject to concurrence of the Farm Credit Administration, the total of investments under Commodity Credit Corporation programs, notes insured or guaranteed by Farmers Home Administration, and in farmers' notes to cooperatives and dealers, etc.; and capital and surplus less the total of the amount invested in the Federal intermediate credit bank and any portion of capital and surplus invested in loans to members, and any estimated losses not protected by reserves.

* * * * *

§ 614.4390 Appraisal of security.

* * * * *

(b) A procedure for classifying security and area shall be a basic part of the appraisal process.

(c) The same appraisal standards, and forms and procedures shall be used by both Federal land bank associations and production credit associations.

§ 614.4430 Identification of rural housing loans.

* * * * *

(c) *Provided, however,* That housing loans for homes used in farming operations or immediate family needs to farmers and ranchers may be identified as farm loans if the borrower meets the requirements of § 613.3020(g)(1) of this chapter.

§ 614.4490 Federal land bank and production credit association loans requiring prior approval.

* * * * *

(b) The following shall be subject to the prior approval of the appropriate bank board:

* * * * *

(2) Loans to a member of the district board unless the bank board has adopted a policy providing for the submission of such loans to the Farm Credit Administration for prior approval.

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5500 Shipment of valuables.

Shipments of valuables by the Federal land banks, Federal land bank associations, Federal intermediate credit banks, banks for cooperatives, and production credit associations, when made to or by the assured or to or by others for the account of the assured, shall be covered by an insurance policy issued in the name of five companies, through John L. Swan & Co., Inc., broker, copies of which have been furnished the land banks, credit banks, and banks for cooperatives. Premium rates per $1,000 on general shipments of securities and other valuables shall be $0.04 by registered mail or express ($0.08 by registered airmail), and on shipments of canceled coupons and canceled securities shall be $0.01 by registered mail or express ($0.02 by registered airmail).

PART 619—DEFINITIONS

§ 619.9070 [Deleted]

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

W. M. HARDING,
Acting Governor,
Farm Credit Administration.

[FR Doc.73-4584 Filed 3-8-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-16, Amdt. 39-1602]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A, 206B, 206A-1 and 206B-1

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on February 28, 1973, and made effective immediately as to all known U.S. operators of Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters. The directive requires an inspection of each pylon support link near the top bearing for cracks prior to further flight and a daily visual check for cracks in each link. It also requires disassembly and inspection of each link bearing inner race face within the next 10 hours' time in service after receipt of the message.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters by individual messages dated February 28, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

BELL: Applies to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters certificated in all categories.

Compliance required as indicated.

To prevent possible failure of a pylon support link, P/N 206-031-508-5 or P/N 206-031-508-7, accomplish the following:

(a) Prior to further flight after receipt of this message, unless already accomplished within the last 10 hours' time in service, accomplish the following:

(1) Remove the cowling to gain access to the transmission mount links, P/N 206-031-508.

(2) Visually inspect the exposed portion of the link forging around the top bearing for crack indications using a three power or higher magnifying glass and a mirror.

(3) If a crack is found replace the affected link prior to next flight, with a link having a bearing with the inner race flat surface less than 0.125 inch, in accordance with the pertinent model maintenance and overhaul manual.

(b) Prior to first flight of each day after the inspection in (a) is conducted, accomplish the following check:

(1) Open the cowling access doors.

(2) Visually check the exposed portion of the link forging around the top bearing for crack indications.

(3) If a crack is found replace the affected link prior to next flight, with a link having a bearing with the inner race flat surface less than 0.125 inch, in accordance with the pertinent model maintenance and overhaul manual.

(4) The checks in item (b)(2) may be performed by the pilot.

NOTE: For requirements regarding the listing of compliance and method of compliance with this message in the airplane's permanent maintenance record, see FAR 91.173.

(c) Within the next 10 hours' time in service after receipt of this message accomplish the following, unless already accomplished:

(1) Remove the transmission cowling and remove the cotter pin, nut, and washer from each transmission spindle, P/N 206-031-554, and expose the top link bearing face.

(2) Inspect the exposed portion of the link forging around the top bearing for crack indications using a three power or higher magnifying glass and a mirror.

(3) Measure the flat surface on the inner race of the bearing where it contacts the washer, P/N 206-030-505.

(4) If the flat surface of the inner race exceeds 0.125 inch or if a crack is found replace the affected link and bearing. Replace with a link having a bearing with the inner race flat surface less than 0.125 inch before further flight, in accordance with the pertinent model maintenance and overhaul manual.

NOTE: Fafnir bearing, P/N SBS 24ATC46, has an inner race flat surface less than 0.125 inch.

(5) If no cracks are found the repetitive checks in (b) are to be continued.

This amendment is effective on March 12, 1973, and was effective upon receipt for all recipients of the message dated February 28, 1973, which contained this amendment.

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

Issued in Fort Worth, Tex., on March 2, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-4522 Filed 3-8-73;8:45 am]

[Docket No. 73NW-1-AD, Amdt. 39-1604]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 Airplanes

Amendment 39-1593 (38 FR 4333), AD-73NW-1-AD, provides for inspection and replacement of the main deck cargo door latch support fittings. After issuing Amendment 39-1593, the agency has determined that the extent of damage permitted for continued safe operation is less than originally determined and should be corrected. If cracks are found emanating from the barrel nut hole on any one of the two most forward or two most aft fittings, the cracked fittings must be replaced prior to further pressurized flight. Therefore, the AD is being amended to provide the correct criteria for fitting replacement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and FR 4333), AD-73 NW-1-AD is amended ment effective on March 9, 1973.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1593 (38 FR 4333), AD-73 NW-1 AD is amended as follows:

Amend paragraph (a) to read as follows:

(a) Unless already inspected within the last 1,200 hours' time in service before the effective date of this AD, or unless inspected per Boeing Alert Service Bulletin 3124, dated January 29, 1973, or later FAA approved revisions, inspected per (d) below at the times specified in (b) or (c) below, as applicable.

Amend paragraph (d) to read as follows:

(d) Inspect in accordance with Boeing Alert Service Bulletin 3124 dated January 29, 1973, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for cracks emanating from the barrel nut hole on each of the eight fittings using visual or dye penetrant or Eddy Current methods.

Amend paragraph (e) to read as follows:

(e) If cracks are found emanating from the barrel nut hole, replace with a serviceable fitting or a 7075-T73 replacement fitting prior to further flight. Except, if cracks are found emanating from the barrel nut hole on any one of the two most forward or two most aft fittings, replace the cracked fitting prior to further pressurized flight. Airplanes with not more than one of the four center fittings cracked at the barrel nut hole, may be continued in service at a reduced cabin operating pressure of not more than 6.0 p.s.i. cabin differential, provided: All fittings are reinspected at intervals not to exceed 200 hours' time in service in accordance with (d) above.

This amendment becomes effective on March 9, 1973.

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

Issued in Seattle, Wash., on March 1, 1973.

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

[FR Doc.73-4521 Filed 3-8-73;8:45 am]

[Docket No. 12323, Amdt. 39-1605]

PART 39—AIRWORTHINESS DIRECTIVES

Handley Page HP-137 Mark I Airplanes

Pursuant to the authority delegated to me by the Administrator, Amendment 39-1548 (37 FR 22846), AD 72-23-1, as amended by Amendment 39-1585 (38 FR 1579), was further amended on January 23, 1973, and made effective immediately as to all known U.S. operators of Handley Page HP-137 Mark I airplanes. The Amendment extends the time for compliance with the AD until March 24, 1973.

After issuing Amendment 39-1585 (38 FR 1579), the FAA determined that a critical shortage of the modification kits required for compliance with AD 72-23-1 still exists. The kits are not available in sufficient quantities to permit compliance with the AD within the time specified and this would result in grounding of airplanes. AD 72-23-1 was issued as a result of reports of ruptures of the horizontal firewall under the engine hot section due to engine rotor failures or combustor torching flame penetrating the combustor case and firewall, in order to provide additional fire shielding to protect the aft nacelle, wing, and fuel tank in case the horizontal firewall is penetrated. Subsequent to the issuance of AD 72-23-1 the FAA has determined that only a single case of inservice rupture of the horizontal firewall has occurred, and that rupture was caused by an uncontained engine rotor disc failure, and that there have been no cases of rupture caused by combustor torching flames.

In view of the foregoing and based on further review of the service history of these airplanes the FAA has determined that the situation is not as severe as originally determined, that the compliance time specified in AD 72-23-1 is unnecessarily restrictive, and that extension of the compliance time for 60 days will not adversely affect safety.

Since it was found that the amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure thereon was unnecessary. These conditions still exist and the amendment is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1548 (37 FR 22846), AD 72–23–1 as amended by Amendment 39–1585 (38 FR 1579), is further amended by amending the compliance statement therein to read as follows:

Compliance is required on or before March 24, 1973, unless already accomplished.

This amendment is effective on March 9, 1973, as to all persons except those persons to whom it was made immediately effective by the telegram, dated January 23, 1973, which contained this amendment.

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

Issued in Washington, D.C., on March 2, 1973.

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

[FR Doc.73-4520 Filed 3-8-73;8:45 am]

[Airspace Docket No. 73-SO-12]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Greenville, Miss., control zone.

The Greenville control zone is described in § 71.171 (38 FR 351), and is effective "from 0700 to 2000 hours, local time, daily." Effective March 4, 1973, to provide the required air traffic control service at Greenville, the effective hours will be extended to "from 0700 to 2200 hours, local time, daily." It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 4, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351) the Greenville, Miss., control zone is amended as follows:

"* * * 0700 to 2000 hours, local time, daily * * *" is deleted and "* * * 0700 to 2200 hours, local time, daily * * *" 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 February 27, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-4519 Filed 3-8-73;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-66; Amdt. 2]

PART 372a—TRAVEL GROUP CHARTERS

Miscellaneous Interpretative and Technical Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1973.

By SPR–61, adopted and effective September 27, 1972, the Board issued rules authorizing a new class of charter, called Travel Group Charters (TGC), which are applicable to all direct air carriers and foreign air carriers. This new type of charter enables any 40 or more persons to be formed into a charter group, regardless of any prior affinity among such persons, provided that certain prescribed conditions and limitations are met.

Questions which have arisen in the course of administering the rule have indicated that it would be desirable to issue various interpretative and technical amendments. They are as follows:

1. *Definition of "round-trip."* The term "round-trip" is used in defining a "travel group charter" (§ 372a.2), but is not itself defined. In the absence of a prescribed definition, the meaning of "round-trip" varies with the context in which it is used. For example, in some tariffs on file with the Board, it is defined narrowly as a trip in which the outbound leg stops at one or more points, and the inbound leg stops at the same points in reverse order and terminates at the point of origination. We did not intend to limit TGC's to such a narrow definition of "round-trip"; rather, we sought only to require that a TGC should be "round-trip" in the popular sense of the term, i.e., a trip involving a departure from a particular point and a return to the same point or to a point in the same general area, regardless of the number or sequence of intermediate points served. Thus, a round-the-world trip should clearly qualify for a TGC, as should a trip in which, for example, the outbound leg is from New York to London and the inbound leg is from Rome to New York. In order to remove any ambiguity as to the interpretation of the term "round-trip" in the TGC rule we are now prescribing a broad definition, to encompass "any round, open-jaw or circle trip which includes an outbound flight and an inbound flight returning to a point no more than 50 air miles from the point of origin."[1]

2. *Last day for individual participant's exercise of absolute right to cancel.* Paragraph (a) of § 372a.12 provides that the charter contract and the contract between the charter participants and the charter organizer shall become binding on the participants only upon the occurrence of specified conditions, culminating in the timely filing of the charter contract, i.e., no later than 3 months prior to departure. Paragraph (b) of the same section provides that at any time prior to the 4 months preceding the scheduled flight departure date, a participant may give to the organizer written notice of his cancellation and thereupon be entitled to a full refund of all moneys credited to his account. It has been noted that these two paragraphs appear to be somewhat inconsistent, since paragraph (b) implies that the individual participant has an absolute right to withdraw from the TGC only until four months before the scheduled date of flight departure, whereas paragraph (a) implies that he may do so even after that deadline, so long as all the enumerated conditions have not yet occurred.

We are therefore revising paragraph (a) of § 372a.12 so as to make it clear that although the TGC cannot be effectuated unless and until all the enumerated conditions precedent have occurred within the specified time limits, an individual participant may well be bound from the time he becomes a TGC participant, even if the enumerated conditions have not yet occurred.[2] In short, if the conditions prescribed in § 372.12 (a) are not timely met, the TGC is aborted and full refunds must be made to all participants; but, unless and until the entire TGC is so aborted, the individual participant has a right to withdraw and receive a full refund only pursuant to the provisions of §§ 372a.12(b), 372a.15(g) or of the particular contract with the organizer.[3]

3. *Requirement that terms of proposed charter contract conform to direct air*

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[1] We wish to emphasize that by amending the definition of the term "round-trip" here, so as to expressly negate any narrow or technical denotation, we do not mean to imply that, in the absence of such explicitly broad definition, the term "round-trip" as used in other parts of our regulations is necessarily to be construed narrowly. As noted above, the question of whether the term should be broadly or narrowly defined depends on the context and the purpose of the rule in which it is used. Thus, for example, in our rules against stranding (e.g., §§ 208.32(e) and 208.202b of Part 208), in which we have required prepayment for the returning flight as well as the departing flight, in order to curtail the stranding of passengers abroad, our reference to "round-trip" charter is to be construed—even in the absence of an explicit definition—as applying to all travel arrangements which involve departure-and-return flights, whether described in an applicable tariff as "round-trip," "open-jaw," "circle-trip" or otherwise.

[2] Paragraph C of the "truth-in-chartering" statement is also being revised, so as to reflect this clarification.

[3] For example, if the organizer has expressly undertaken, in his contract with participants, to file the charter contract at a specified date which is later than the earliest date permitted by the TGC rule, then an individual participant would have until that specified date to give written notice of his withdrawal for whatever reason.

carrier's tariff in effect at time TGC option filed. Consistent with the declaration of agreed principles, worked out jointly by representatives of the United States and various foreign governments,[4] we are amending the TGC rule so as to require that the price and other terms set forth in a filed TGC option must be consistent with the tariff of the direct carrier in effect at time of such filing.

Moreover, we are also taking this occasion to amend § 372a.26 so as to specifically preclude any subsequent tariff filing which would have the effect of changing the rates set forth in the option and proposed charter contract. These amendments will assure timely review by the Board of the lawfulness of TGC charter rates prior to public solicitation thereof.

4. *Expressing all time requirements in terms of days.* In the TGC rule the time for complying with various requirements is in some instances expressed in terms of months, and in other instances is expressed in terms of days. Thus, the final pre-departure filings with the Board are required to be made "[n]o earlier than 4 months but no later than 3 months" prior to the scheduled flight departure date (§ 372a.22(b)), whereas, for example, full payment of each participant's minimum pro rata charter price is required to be paid "[n]o later than 60 days prior to such departure" (§ 372a.15(a)). Upon further consideration, we have concluded that it would be desirable to have time requirements in the rule expressed uniformly in terms of days. This uniformity will facilitate computations of time[5] required to be made under the rule and will also be in conformity with the manner in which comparable time requirements are being expressed in rules adopted by various foreign authorities as counterparts of our TGC rule. We are therefore substituting "120 days" and "90 days" for "4 months" and "3 months," respectively, throughout the text of the rule, including the "truth-in-chartering" statement.

5. *Clarifying when "tentative adjusted" price may be computed.* The text of the present rule is not sufficiently clear as to when the tentative adjusted pro rata charter price may be computed. For example, § 372a.15(d) refers to the tentative adjusted pro rata charter price "as computed on the 45th day prior to the scheduled date of flight departure," thereby implying that the computation must be made on that date. On the other hand, § 372a.29(d) provides that the contract between organizer and participants must set forth various prescribed terms and conditions, including the specific date on which the tentative adjusted pro rata price shall be computed, "which date shall not be later than 45 days before the scheduled departure date," thereby indicating that the date prescribed in the rule is merely a deadline. It is the latter provision which expresses the Board's intention, and the rule is therefore being amended so as to refer to this adjustment date consistently as being "no later than 45 days" before the scheduled departure date.

6. *Explicit prohibition against receiving money for prospective TGC before lawfully advertised.* Section 372a.22(a) provides that no charter organizer shall sell, or offer to sell, solicit, or advertise a charter trip, until at least 15 days after he and the direct air carrier have jointly made a preliminary filing with the Board of certain prescribed documents, including evidence of appropriate arrangements made to secure customers' deposits. In view of some TGC advertisements which have come to our attention, we are amending the rule so as to provide, expressly and emphatically, that no money is to be received by the organizer from any person in connection with a prospective TGC before that TGC may lawfully be advertised, i.e., only after the Board's staff has had an opportunity to review the filed preliminary documents which, as aforesaid, include evidence of the arrangements made by the organizer to secure customers' deposits.

7. *Explicit prohibition of any additional charges by organizer.* Section 372a.27(a) provides that the charter organizer shall not make any charges to the charter participants other than his service charge for consummating the charter and such transfer fees as may be due from those participants for whom he has effected an assignment. In view of some TGC advertisements which have come to our attention, we have determined to amend the rule so as to underscore that this prohibition is to be read literally. We are therefore adding an appropriate clause, expressly prohibiting any additional charges, however characterized.

8. *Additional provisions related to interlocking relationships.* When the Board adopted SPR–61 (the TGC rule), we made final certain proposed exemptions for charter organizers (other than foreign charter organizers) which we have customarily provided for indirect air carriers, including a limited exemption from sections 408(a) and 409, and from section 412.[6] However, we had inadvertently omitted from our proposal, and thus did not make final, related customary provisions which (a) grant blanket approval of certain interlocking relationships of an indirect air carrier's officers and directors, and (b) provide that such exemptions and approval do not constitute orders under section 414 of the Act for the purpose of conferring "antitrust law" immunity.[7] We are therefore adding these technical provisions to the TGC rule, so as to cure their inadvertent omission.

9. *Additional provision to be specified in participant-charter organizer contract.* While the TGC rule-making proceeding was in progress, the Board had instituted a separate proceeding, by notice of proposed rule making SPDR–26,[8] in which we proposed miscellaneous amendments to the Board's special regulations with respect to study group charters[9] and inclusive tour charters.[10] That proceeding culminated in the issuance (subsequent to the issuance of the TGC rule) of SPR–62,[11] in which the Board made final a number of the proposed amendments. Among the proposed amendments which were thus made final was a change in Part 378, adding to the enumerated provisions required to be specifically covered in the contract between an inclusive tour charter operator and tour participants, a provision advising participants of any available "trip liability insurance," i.e., health and accident insurance related to the inclusive tour charter. This requirement, which was adapted from an existing requirement applicable to study group charterers' contracts (§ 373.18(b)), is designed to assure that tour participants are apprised of insurance which may be available for their benefit in connection with a tour. Thus, for the same reasons that we decided, following public rule making procedures, to require this provision to be specified in tour contracts in connection with study group charters and inclusive tour charters, we have now determined to add it to the provisions which the TGC rule requires to be specified in the contract so as to be brought specifically to the attention of TGC participants, although this particular requirement was not proposed in the instant proceeding.

10. *Contents of the "truth-in-chartering" statement.* In SPR–61, we prescribed as Appendix "A" to the TGC rule a "truth-in-chartering" statement to be distributed by the charter organizer to actual and prospective charter participants, in order to assure that they would be advised, in non-technical terms, of their rights and obligations under the various pertinent provisions of the rule. It is now necessary to revise various portions of that statement so as to reflect the revised text of the TGC rule

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[4] I.e., Canada and the 10 member states of the European Civil Aviation Conference (ECAC). Paragraph 7 thereof provides in pertinent part: "Not less than 4 months before the commencement of their first operation, carriers should file appropriate tariffs with concerned regulatory authorities. In the absence of a challenge to such tariffs, contracts incorporating them shall be regarded as valid in this respect." See Department of State Release No. 296, Dec. 1, 1972.

[5] We are also adding a new § 372a.6, to expressly provide how computations of time under the TGC rules are to be made, and the "truth-in-chartering" statement is also being amended accordingly to include appropriate illustrations.

[6] See, for example, § 378.3 of Part 378 (governing inclusive tour operators), and § 373.3 of Part 373 (governing study group charter operators).

[7] See, for example, §§ 378.4 and 378.5 of Part 378, and §§ 373.4 and 373.5 of Part 373, respectively.

[8] Dated October 26, 1971; 36 FR 20805, October 30, 1971.

[9] Part 373 of the Board's Special Regulations (14 CFR Part 373).

[10] Part 378 of the Board's Special Regulations (14 CFR Part 378).

[11] Dated October 10, 1972; 37 FR 22851, October 26, 1972.

resulting from the foregoing amendments

We are also taking this occasion to otherwise revise the statement, so as to include the following additional information which should be helpful to the traveling public in better understanding the salient provisions of the TGC rule:

(a) The statement presently summarizes the rule's requirement (§ 372a–11) that each main list participant must pay an initial deposit of at least 25 percent of the "minimum pro rata charter price" specified in the contract. The revised statement refers explicitly to the rule's additional provisions with respect to payment: (1) Any unpaid balance of the "minimum pro rata charter price" must be fully paid no later than 60 days prior to the scheduled date of flight departure; and (2) at the same time the organizer may also require (if the contract so provides) payment of a "pro rata reserve deposit," so long as the total payments do not exceed the "maximum pro rata charter price." (§ 372a.15(a).)

(b) The statement presently states (p. 2, fn. 2) that tour conductors may be carried on a TGC flight, if the contract so provides and the number of conductors is not more than one for each 40 participants. The revised statement makes explicit that tour conductors may be carried only if the TGC package includes ground arrangements.

11. *Time of delivery of the "truth-in-chartering" statement.* The present TGC rule requires (§ 372a.22(b)(4)) that, at the time the executed charter contract is filed, there shall also be filed a statement of the charter organizer affirming that each main list participant has been furnished with a copy of the "truth-in-chartering" statement discussed above, but the time for furnishing the statement is not prescribed. Yet, if the statement is to serve its purpose, the organizer should not be permitted to postpone its delivery until the last possible moment. We have therefore determined to amend the rule so as to require that a copy of the "truth-in-chartering" statement shall be furnished by the organizer to each main list participant no later than the time when the participant enters into a contract with the organizer.

12. *Statement of charges.* The present text of § 372a.28, prescribing the contents of statements of charges in connection with the marketing of TGC's, has given rise to various questions of interpretation. In particular, the present reference to "the total cost of the charter" has created some doubt as to whether or not a TGC advertisement is required to set forth the total price of the charter contract. We are therefore revising the entire text of this section, so as to remove such ambiguities.

13. *Effectiveness of these amendments.* Since the purpose of this rule is only to clarify and interpret various provisions of the TGC rule, as well as to make some minor technical revisions which, while imposing no substantial burden on anyone, should afford further protection to members of the public wishing to participate in charters operated hereunder, the Board finds that notice and public procedure are unnecessary and would not be in the public interest. For the same reasons, we find good cause to make all of the within revisions and amendments effective immediately, except as otherwise specified.

Recognizing that some organizers and direct air carriers have already filed with the Board options, proposed contracts and other documents in connection with proposed TGC programs, and may have already distributed "truth-in-chartering" statements, all drafted in conformity with the existing text of the rule, including Appendix "A" thereto, immediate effectiveness of all the amendments herein could impose a burden on such persons. We shall therefore permit them to execute, and otherwise continue to use, in connection with any TGC program pending at the time this rule becomes effective, any document conforming to the existing text of the rule, without requiring revisions to be made to reflect the within technical amendments. For this purpose, we shall regard a TGC program as pending on the effective date hereof if its preliminary filings, under § 372a.22(a), were made before said effective date or are submitted to the Board within 30 days after the within amendments are published in the FEDERAL REGISTER.

Similarly, we recognize that immediate application of the within amendment, insofar as it explicitly requires that the price and other terms set forth in a TGC option must be consistent with tariffs in effect at the time the TGC option is filed, would be disruptive of pending TGC programs, since no tariffs for TGC flights have as yet been filed and any tariff which could be immediately filed could not normally become effective except upon 30 days' notice. Thus, if the instant amendment were to become effective immediately, it would preclude the filing of any TGC option for a period of at least 30 days, and thus the marketing of any new TGC would be barred for a period of at least 45 days, since a TGC may not be offered for sale until 15 days after the option is filed. We shall therefore postpone the effectiveness of this amendment until 30 days after its publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board amends Part 372a of its Special Regulations (14 CFR Part 372a), effective March 6, 1973, as follows:

1. Amend the Table of Contents to read in part as follows:

Sec.	
372a.5	Termination of part.
372a.6	Computation of time.
372a.20a	Jurisdiction over foreign charter organizers.
372a.20b	Approval of certain interlocking relationships.
372a.20c	Effect of exemption on antitrust laws.
372a.21	Suspension of exemption authority.

2. Amend § 372a.2 by adding a definition of "round-trip" as follows:

§ 372a.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Round-trip" refers to any round, open-jaw or circle trip which includes an outbound flight and an inbound flight returning to a point no more than 50 air miles from the point of origin.

* * * * *

3. Add a new § 372a.6 to read as follows:

§ 372a.6 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday.

4. Amend § 372a.12 to read as follows:

§ 372a.12 Conditions precedent to contracts.

(a) The charter contract and the contract between the charter participants and the charter organizer shall become binding on each participant at the time he becomes a party thereto (subject to his right to receive a full refund if he cancels pursuant to paragraph (b) of this section, or defaults for cause pursuant to § 372a.15(g), or if he cancels pursuant to a right specifically granted in the contract with the organizer), but after the expiration date specified in the option of the direct air carrier, filed with the Board pursuant to § 372a.22(a)(1), no new contractual rights and obligations hereunder may be created, and any existing rights and obligations shall become null and void (other than the right of the participants to receive full refund of any payments already made) unless all of the following conditions have been met:

(1) The number of main list participants plus the number of tour conductors (which shall not exceed the maximum number permitted under this part) is equal to the number of seats specified in the charter contract;

(2) Each main list participant has paid at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract; and

(3) The charter contract has been timely filed with the Board.

(b) At any time prior to 120 days preceding the scheduled flight date, a participant may submit to the organizer written notice of his cancellation, regardless of cause, and he shall thereupon be entitled to receive forthwith a refund of all moneys credited to his account, without deduction or penalty of any kind.

5. Amend the introductory paragraph to § 372a.13 to read as follows:

§ 372a.13 Assignments.

At any time during the 120-day period preceding the scheduled flight departure date, a charter participant may assign his interest in the charter, but only in accordance with the following:

* * * * *

6. Amend § 372a.15 (c), (d), (e), and (g) to read as follows:

§ 372a.15 Full payment of charter price; refunds.

* * * * *

(c) If the interest of any defaulting participants has not been assigned prior to the date specified in the contract for the computation of the tentative adjusted price, pursuant to § 372a.29(d), then the initial 25 percent deposit of each such defaulting participant (unless refunded to him pursuant to paragraph (g) of this section) shall be applied toward payment of the charter price, and the pro rata charter price for each remaining participant shall be increased by an amount equal to his pro rata share in the unpaid balance of the defaulting participant's charter price.

(d) If the tentative adjusted pro rata charter price, as computed on the date specified therefor in the contract, pursuant to § 372a.29(d), exceeds the specified maximum, then the charter shall be canceled and all moneys paid by the charter participants shall be refunded to them forthwith, without deduction or penalty of any kind: *Provided, however,* That the initial 25-percent deposit of each defaulting participant (unless refunded to him pursuant to paragraph (g) of this section), may be paid over as liquidated damages to the direct air carrier and the charter organizer pursuant to the terms of the charter contract and the contract between the organizer and participants.

(e) If the tentative adjusted pro rata charter price, as computed on the date specified therefor in the contract, pursuant to § 372a.29(d), does not exceed the specified maximum, then each participant shall forwith pay the balance, if any, due on such adjusted pro rata charter price and all moneys theretofore paid by charter participants shall be nonrefundable, except as provided in paragraph (f) of this section: *Provided, however,* That if the charter contract is subsequently canceled for any of the reasons set forth in § 372a.18, then all moneys paid by the charter participants shall be refunded to them forthwith, without deduction or penalty of any kind.

* * * * *

(g) If the charter organizer receives written notice, prior to the date specified in the contract for the computation of the tentative adjusted price, pursuant to § 372a.29(d), that a charter participant has died, or that, as a result of accident or illness, verified by a medical doctor, it appears probable that he will be unable to participate in the travel group charter, then the charter organizer shall refund the charter price payments already made by such participant.

7. Add new §§ 372a.20b and 372a.20c to read as follows:

§ 372a.20b Approval of certain interlocking relationships.

To the extent that any officer or director of a charter organizer would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 372a.20, such participation is hereby approved by the Board.

§ 372a.20c Effect of exemption on antitrust laws.

The relief granted by §§ 372a.20 and 372a.20b from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

8. Amend § 372a.22 to read in part as follows:

§ 372a.22 Operating authorization of charter organizer.

A charter organizer * * *

(a) No charter organizer shall sell, or offer to sell, or solicit persons to participate in, or otherwise advertise, a charter trip, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier(s) have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights) in duplicate:

(1) An option from the direct air carrier(s) under which the carrier(s) obligates itself for a specified period, which shall expire no later than 90 days prior to scheduled date of departure, to enter into a charter contract with the charter organizer as agent for the charter participants: *Provided, however,* That if the air transportation on the departing flight and the returning flight is to be performed by more than one direct air carrier, then there shall be a single option granted to the charter organizer by all such direct air carriers, acting jointly and severally;

(2) A copy of the proposed charter contract, setting forth specific terms and conditions upon which the carrier(s) will perform the charter, including the number of seats (specifically stating, where applicable, the number of seats to be occupied by tour conductors), the type of aircraft, the departure and return dates and points, and the minimum and maximum pro rata charter price, which terms and conditions shall conform to the currently effective tariff or tariffs of the direct air carrier(s), as identified by specific tariff citation;

* * * * *

(b) No earlier than 120 days, but no later than 90 days, prior to the scheduled date of departure, the charter organizer and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) in duplicate:

* * * * *

(4) A statement of the charter organizer affirming that each main list participant (i) has entered into a contract with the organizer as provided in this part, (ii) has paid his initial 25-percent deposit, and (iii) has been furnished, no later than the time when he entered into such contract with the organizer, with an explanatory statement, in the form set forth in Appendix A; and

* * * * *

9. Amend § 372a.26 to read as follows:

§ 372a.26 Prohibition on operations unless tariffs are observed.

No charter organizer shall charter aircraft to provide air transportation to charter participants, and no direct air carrier shall operate such aircraft, except in accordance with the rates, fares, and charges and all applicable rules, regulations, and other provisions for such transportation as set forth in the currently effective tariff or tariffs of the direct air carrier transporting charter participants; and no such organizer shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates, fares, or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such air carrier: *Provided, however,* That no direct air carrier shall file a tariff which has the effect of changing the charter price specified in any option or proposed charter contract previously filed under § 372a.22.

10. Amend § 372a.27(a) to read as follows:

§ 372a.27 Charter costs.

(a) The charter organizer shall not make any additional charges to the charter participants, other than his service charge for consummating the charter (or liquidated damages, as permitted hereunder, if the charter is canceled upon default of participants), and such transfer fee as may be due him from an individual participant for effecting an assignment, whether or not such additional charge is only nominal or is characterized as a membership fee, registration fee, reimbursement for expenses, or otherwise.

* * * * *

11. Amend § 372a.28 to read as follows:

§ 372a.28 Statements of charges.

(a) Any announcement, statement, or solicitation material to prospective charter partcipants giving price per seat shall state that the price is dependent upon the number of seats sold, and shall also set forth the minimum and maximum pro rata charter price, as well

as the service charge. It shall also state that the minimum pro rata charter price is subject to an increase of no more than 20 percent as a result of defaults by participants, and that the charter will be canceled if the pro rata charter price increases by more than 20 percent over the minimum pro rata charter price. The cost of ground arrangements, if any, shall be stated separately.

(b) All such announcements, statements, or solicitation material shall also identify the carrier(s) and the type of aircraft to be used for the charter, and shall state that for a person to be eligible to be a passenger on a charter flight he must be included in the main list or the standby list to be filed no later than 90 days before flight departure.

(c) All billings to charter participants shall separately state the pro rata cost of air transportation, the service charge, the transfer fee, and the cost of land accommodations, if any.

12. Amend § 372a.29 by adding new paragraph (e–1) to read as follows:

§ 372a.29 Contract between charter organizer and charter participants.

* * * * *

(e) If applicable, the * * *

(e–1) Whether trip, health, and accident insurance is available and, if so, that upon request the charter organizer will furnish details thereof;

* * * * *

13. Amend Appendix A to read in part as follows:

DESCRIPTION OF TRAVEL GROUP CHARTERS

* * * * *

General Description of TGC. The basic idea of a TGC is that 40 or more persons may enter into a charter contract, by which they hire an aircraft (or part of an aircraft) to provide themselves with round trip air transportation for a trip which is to last a minimum of 7 days (10 days in some areas) on a pro rata basis, i.e., each charter participant shares equally in the cost of the charter. The charter contract must be filed with the Board several months before the scheduled date of departure.[1] At that time, the charter organizer must also file a "main list" identifying the people who have signed his contract and paid him an initial deposit of at least 25 percent of the "minimum pro rata charter price" (discussed below) specified in the contract. The number of persons on this "main list" must be equal to the number of seats which the contract specifies will be occupied by "charter participants."[2] At the same time, there may also be filed a "standby list" identifying any person who wants the opportunity to be substituted for a "main list" participant who might subsequently withdraw or default. The number of persons on the "standby list" may not exceed three times the number of "main list" participants, and a person on the "standby list" is under no obligation of any kind unless and until he actually becomes substituted for a "main list" participant. When the flight is performed, all the charter participants must be persons identified in either the "main list" or the "standby list" on file with the Board; and at least 80 percent of the charter participants must be from the "main list."

Pro rata charter price. The "minimum pro rata charter price," * * *

* * * * *

If all the seats intended for participants are sold,[3] fully paid for, and no refunds are made, then the minimum pro rata charter price will be the actual price which each charter participant will pay. However, if a participant defaults (or refund is made because of the death or illness of a participant) then the pro rata price of each remaining participant must be increased accordingly. In order to limit the liability of the remaining participants for an increase in the pro rata charter price, the Board has provided for a "maximum pro rata charter price," which is 20 percent more than the minimum. The minimum pro rata charter price must be paid in full by each charter participant no later than the 60th day before the scheduled date of flight departure. The charter organizer must determine, no later than 45 days before the scheduled departure date, whether defaults and refunds would result in increasing each remaining participant's share beyond the "maximum." If they would, then the charter must be canceled; otherwise each remaining participant must pay the increased "adjusted pro rata price."[4]

Cancellations and refunds. * * *

C. Until 120 days prior to the scheduled flight departure date (or until such later date as may be specified in the contract with the organizer for the filing of the final contracts), any participant may give written notice to the organizer that he wishes to withdraw from the group, regardless of his reasons, and he is then entitled to a full refund of all payments.

Example 3. On March 1, 1973, John Jones signs a contract with an organizer and pays a 25 percent deposit for a TGC scheduled to depart from New York to London on July 8, 1973. The 120th day prior to flight departure is March 10, 1973 (which is a Saturady). Until the next regular business day, March 12, 1973, Mr. Jones is entitled to give the organizer written notice of his decision to withdraw, without cause or explanation, and to receive a full refund.

* * * * *

14. *Effective dates of these amendments.* The foregoing amendments shall become effective upon adoption, except that: (a) The amendment requiring that the price and other terms set forth in a TGC option or in a proposed charter contract filed under § 372a.22(a) shall be consistent with the direct air carrier's applicable tariff in effect at the time of such filing, shall become effective April 9, 1973; and (b) to the extent that any option, contract, or other document, in connection with a pending TGC program (as hereinbelow defined) has been or will be prepared in conformity with the existing text of Part 372a, it may be executed or otherwise continue to be used in connection with such pending TGC program and need not be revised so as to conform with the text of Part 372a as amended hereby. A TGC program shall be regarded as pending, for the purposes hereof, if the preliminary filings in connection therewith, under § 372a.22(a) have been made before, or are submitted to the Board for such filing on or before April 9, 1973.

(Secs. 101(3), 204(a), 401, 402, 407, 416(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481)

By the Civil Aeronautics Board.

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

[FR Doc.73-4621 Filed 3-8-73;8:45 am]

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[1] The charter contract and other documents are to be filed no earlier than 120 days, and no later than 90 days, before the scheduled date of departure. Thus, for example, if a TGC is scheduled to depart on July 6, 1973, this filing may be made no earlier than March 8, 1973 and no later than April 9, 1973. (Since the 90th day prior to the scheduled departure is April 7, 1973, a Saturday, the filing deadline is extended to the next business day, April 9th, which is only 88 days prior to departure.)

[2] The only other authorized passengers on the charter flight are tour conductors, whose seats are paid for by the charter participants, but these conductors may be carried only when ground arrangements are required as part of the TGC package. The number of tour conductors must be specified in the contract and may not exceed one for each 40 participants.

[3] If not all * * *

[4] Once this * * *

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Use of the Wallops Station Airstrip by Aircraft Not Operated for Federal Government

Secton 1204.1403(c) is revised in its entirety as follows:

§ 1204.1403 Available airport facilities.

* * * * *

(c) *Control tower.* The control tower is manned from 0730–1730 local time, Monday through Friday only, legal holidays excluded. When the tower is manned and in operation, the FAA regulations pertaining to the operation at airports with operating control towers (§ 91.87 of this title) will apply. The tower may be contacted on 394.3 MHz or 126.5 MHz. At all times when the tower is not manned, the Wallops Advisory Service (a 24-hour security service) may be contacted on the same frequencies for essential information. However, during such times the FAA rules pertaining to the operation at airports without control towers (§ 91.89 of this title) will apply.

Section 1204.1406(a) is revised in its entirety as follows:

§ 1204.1406 **Procedures in the event of a declared in-flight emergency.**

(a) Any aircraft involved in a declared in-flight emergency that endangers the safety of its passengers and aircraft may land at Wallops Station Airstrip. In such situations, the requirements of this Subpart 14 for advance authorizations, etc., need not be followed. However, should time and circumstances permit, the pilot should contact the Wallops Station Airstrip control tower or the Wallops Advisory Service on 394.3 MHz or 126.5 MHz before attempting to land.

* * * * *

ROBERT L. KRIEGER,
Director, Wallops Station, National Aeronautics and Space Administration.

[FR Doc.73-4560 Filed 3-8-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8869 o]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel, Inc.

Correction

In FR Doc. 73-3414 appearing at page 4944 in the issue of Friday, February 23, 1973, the Docket Number should appear as set forth above.

PART 600—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

Civil Service Commission

Correction

In FR Doc. 73-3497 appearing at page 4945 in the issue for Friday, February 23, 1973, the following changes should be made in § 600.6 *Civil Service Commission:*

1. The material in the third column of page 4947, now designated as paragraphs (b), (c), and (d), should be designated as paragraphs (c), (d), and (e).

2. In the paragraph redesignated (d), in the 14th line the word "unlike" should read "unlikely".

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-469; Order 467-B]

PART 2—GENERAL POLICY AND INTERPRETATION

Order Modifying Statement of Policy, and Denying Motions for Reconsideration

MARCH 2, 1973.

On January 8, 1973, the Commission issued Order No. 467 in Docket No. R-469, statement of policy, adding § 2.78(a) to the Commission's rules of practice and procedure, as subsequently amended by Order No. 467-A, January 15, 1973.[1] Numerous applications or petitions for rehearing, reconsideration, modification or clarification of Orders Nos. 467 and 467-A have been filed. Those filing will be termed "applicants".

In Order No. 467 the Commission issued a policy statement setting forth initial priorities to be followed by jurisdictional pipeline companies during periods of curtailed deliveries. The priorities are based on end use of the gas whether by direct purchase from the pipeline or by indirect purchase through a distributing company. Order No. 467 stated:

> When applied in specific cases, opportunity will be afforded interested parties to challenge or support this policy through factual or legal presentation as may be appropriate in the circumstances presented.

And the statement of policy further provided that exceptions to the prescribed priority system would be permitted upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure. Order No. 467-A provided that pipeline companies include provisions in their tariffs permitting them to respond to emergency situations.

The Applicants have made extensive arguments, both procedural and substantive. In a few cases the Applicants requested permission to intervene, and there was one separate Petition for Leave to Intervene (Rochester Gas & Electric Corp.). As discussed below, Order No. 467 is a policy statement and is not intended to initiate a proceeding or to provide a binding rule without further proceedings directed towards curtailment problems on specific pipelines. Therefore petitions to intervene are unnecessary, and petitions for rehearing do not lie. We treat the filings as petitions for reconsideration, and deny the same.

REASONS FOR ISSUANCE OF ORDERS 467 AND 467-A

Since the promulgation of Order 431, 45 FPC 570 (1971), the need for Commission guidance in curtailment planning has become apparent. The curtailment plans proposed by those pipelines which have filed pursuant to Order 431 reflect sharp differences in curtailment philosophy (e.g., curtailment based on end use versus curtailment based on pro rata reduction of contract entitlements) and curtailment implementation. As a consequence, the hearing records brought before us lack uniformity in the quantum of evidence relating to consumer impact and end use allocation patterns. The articulation and implementation of allocation policies on a uniform national basis are thereby constrained.

Of equal significance, because of the absence of general curtailment guidelines, we have been confronted with emergency situations where emergency action was necessary to prescribe curtailment plans. See Opinion 634 and 634-A, El Paso Natural Gas Co., 48 FPC ____, and order dated December 20, 1972, Mississippi River Transmission Co. In situations where the need to curtail arises suddenly and without anticipation, and where no curtailment plan has been approved, as was true for El Paso and Mississippi River Transmission, the pipeline is placed in the difficult position of undertaking service cutbacks at the risk of civil liability to direct and indirect customers if the curtailments are not required by Commission order, or if the pattern of curtailment is later adjudicated to be unjust or unreasonable. See International Paper Co. v. FPC, CA5, No. 71-3531, slip opinion issued February 7, 1973. Similarly, in such situations, pipeline customers and those dependent on pipeline service have no clear basis for conducting their operations.

Finally, our experience with curtailment litigation persuaded us that long-range advance planning by pipelines, distributors, and consumers has been rendered most difficult by the absence of a statement by the Commission of its general policy in curtailment cases.

Because of these considerations, we issued, as a policy statement, Orders 467 and 467-A. We recognized that some flexibility is essential as curtailments first occur, in order to ameliorate the economic dislocations which necessarily ensue, and for that reason we made clear in Order 467 that the policy therein stated could, and would, be adjusted in appropriate cases where the hearing record so required.

PROCEDURAL AND JURISDICTIONAL ARGUMENTS

A. *Nature of Order No. 467 and Conformity to the Administrative Procedure Act.* It is argued by a number of applicants that Order No. 467, despite its designation as a "Statement of Policy", is really rule making and section 553 of the Administrative Procedure Act requires notice, an opportunity to submit views and to participate. In some cases it is further argued that the action taken by the Commission is actually adjudication rather than rule making in that it abrogates or nullifies existing curtailment priorities in contracts and tariffs. On the other hand, Reynolds Metals Co. interprets Order No. 467 as not imputing to any pending curtailment case any controlling substantive effects; it asks that Order No. 467 be clarified to state that in each case the opportunity for evidentiary hearings will be afforded. Alabama Gas Corp. asks for clarification as to whether Order No. 467 is a flexible guideline against which curtailment would be judged.

Order No. 467 is designated "Statement of Policy." It specifically states that "When applied in specific cases, opportunity will be afforded interested parties to challenge or support this policy through factual or legal presentation * * *". It therefore falls whithin the exception for "general statements of policy" within section 553 of the APA. Our use of Orders 467 and 467-A as policy guidelines is exemplified in Texas Eastern Transmission Corp., et al., dockets Nos. RP71-130 et al., issued January 29,

[1] 38 FR 1504, 3171 (Jan. 15, 22, 1973).

1973, requiring Algonquin to show cause why it should not file an amendment to its tariff "to conform with Order 467–A".

Orders in Docket R–469 are not finally determinative of the rights and duties of a given pipeline, its customers or ultimate consumers; it expressly envisions further proceedings. As a statement of policy, it is excepted by section 553 from the requirements of the notice and hearing provisions of the Administrative Procedure Act, and, of course, it is not an adjudication within the meaning of that Act.

B. *Effect on Future Tariff Filings.* In orders in Docket R–469, we have set forth the form of curtailment plan preferred by the Commission. We have not attempted to impose this plan on all pipelines and their customers, nor have we attempted to delineate all details which should be embodied in proposed tariff changes which propose a curtailment plan. At this time, there is still a need for more flexibility than would be possible were we to insist upon one specific form for all curtailment tariffs.

Accordingly, those pipelines which do not yet have a curtailment plan approved by final order of the Commission are still free to file tariff changes under section 4 in whatever form they choose. Tariffs not in accord with the policies expressed in orders in Docket R–469 will be subject to suspension and hearing, and any curtailments made under nonconforming tariff sheets which have not received Commission approval may be found to be unjust and unreasonable, or preferential or discriminatory, dependent upon the facts proved in an evidentiary hearing. Proposed tariff sheets which conform to the policies expressed in orders in Docket R–469 will be accepted for filing, and permitted to become effective, subject to the rights of intervenors to hearing and adjudication of any claim of preference, discrimination, unjustness or unreasonableness of the provisions contained in the proposed tariff sheets, and subject to the further right of any one adversely affected to seek individualized special relief because of extraordinary circumstances. While our present intention is not to suspend tariff sheets which conform to the policies in orders in Docket R–469, we do not foreclose our discretionary powers to suspend such tariff sheets under section 4(e) under appropriate circumstances.

C. *Effect on Pending Cases.* Orders in Docket R–469 are not self-operative in pending cases. Initial decisions, and Commission decisions, will be reached on the record made, applying orders in Docket R–469 policies except where deviation therefrom is required by the evidence. Where insufficient end use data are not available, we will continue to make appropriate provision for the collection of such data. See, e.g., Opinion No. 634, El Paso Natural Gas Co., Opinion No. 643, Arkansas-Louisiana Gas Co.; Opinion No. 647, United Gas Pipe Line Co.

Many Applicants, particularly those representing California, argue that a general rule is inappropriate and that each pipeline system should be treated on an individual basis. With one extremely important exception, we are in general agreement with this thesis, at least at this time in the development of curtailment policies and practices. The one area where we believe uniformity to be essential is with respect to whether contract entitlements should form the basis for curtailment, or whether curtailment should be based on end use factors. As a matter of policy, we have determined that end use must be controlling. Our reasons for so concluding are articulated in Opinion 643, Arkla, supra, and Opinion 647, United Gas, supra.

As a statement of policy, orders in Docket R–469 will serve as a guide in other proceedings, specifically those arising under Order No. 431. By these orders, the parties are on notice that we consider the type of curtailment plan set forth in the Orders to be just and reasonable, nondiscriminatory and nonpreferential. This does not mean that the parties may not propose or the Commission may not adopt variations on the § 2.78 (a) plan, but there must be evidence in the record to support any such variations. Nor does it mean that adversely affected pipeline customers may not claim a right to special relief from the operation of a § 2.78(a) plan, but in such instances there must be evidence to support any such claim. In this way, § 2.78 (a) will assist the parties and the Administrative Law Judge in arriving at a curtailment plan which will meet the problems created by diverse needs for gas in the face of a nationwide gas shortage and at the same time be adapted to the peculiarities, if any, of the particular pipeline system involved.

D. *Control of End Use.* It is argued that in a curtailment proceeding under sections 4 and 5 of the Act, the FPC cannot control end use. The Applicants cite "Fuels Research Council v. FPC", 374 F. 2d 842 (CA 7, 1967), where it was argued that the Commission should have designed rates to discourage use of gas in power plants, and the Court held the Commission had no such authority. Furthermore, in the "Hope" case,[1] the Court said that it failed to find in the power to fix just and reasonable rates the power to fix rates which will disallow or discourage resales for industrial use.

The courts in those cases were not faced with a nationwide gas shortage, and rates were involved, not allocations or curtailments. "FPC v. Louisiana Power & Light Co.," 406 U.S. 621 (1972) confirms the Commission's broad powers to devise effective means of meeting its responsibilities. These include section 16, providing that the Commission "shall have power to perform any and all acts necessary or appropriate to carry out the provisions" of the Gas Act, and sections 4 and 5 dealing with rates, service, and contracts. Section 4 prohibits any "undue preference or advantage" or any "unreasonable difference" in service, and section 5 grants the Commission the power to determine "the just and reasonable * * * classification, rule, regulation, practice, or contract to be observed." The Gas Act says (section 1) "that the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest." It is our conclusion that we have ample authority to require that curtailment plans be based on the end use of gas by the direct customers of the pipeline or the customers of the distributing companies.

E. *Requested Clarifications and Modifications.* Many applicants seek clarification of Order 467 by Commission definition of all terms used, or modification of the substance of Order 467 by a reordering of priorities. These applicants err in treating Orders 467 and 467–A as a rule of substance, which precisely defines the curtailment rights and obligations of all pipelines and all pipeline customers. We ascribe no such effect to Orders 467 and 467–A, for, as already stated, these orders are intended only to state initial guidelines as a means of facilitating curtailment planning and the adjudication of curtailment cases.

On the same date Order 467 was issued, we noticed a proposed policy statement in Docket No. R–467, 38 FR 1504. We therein seek comments on stated priorities of service, which priorities the Commission would implement "* * * in all matters arising under the Natural Gas Act." It is not mere coincidence that the priority system noticed in Docket No. R–467 is the same as that set forth in Order No. 467. The comment time has not expired in Docket No. R–467, and we will give due consideration to all comments therein received.

We find it appropriate, however, to modify § 2.78(a) of our regulations in one respect, in order to clarify our intent that while end usage of natural gas is controlling in curtailment situations, for the present the immediate impact of curtailment on small volume interruptible users should be lessened, and, for the present, the alternate fuel capabilities of interruptible users should be considered. As already noted, we will, after receipt and consideration of comments in Docket No. R–467, issue such definitions and clarifications of the terms used in determining priorities of service as may be necessary and desirable. One such area of concern will be a useful and workable demarcation between "interruptible" and "firm" service, bearing in mind that these terms are susceptible of differing interpretations. Pending resolution of this matter on the basis of a full record, we modify § 2.78(a) of our regulations in the particulars hereinafter stated.

The Commission finds:

(1) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendment to the policy statement here adopted.

(2) It is appropriate and in the public interest in administering the Natural

[1] F.P.C. v. Hope Natural Gas Co., 320 U.S. 591, 616 (1944).

Gas Act to adopt the amendment to the policy statement herein ordered.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 824, 825; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 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 a new subparagraph at the end of § 2.78(a) and, as amended, it will read as follows:

§ 2.78 Utilization and conservation of natural resources—natural gas.

(a) The national interests in the development and utilization of natural gas resources throughout the United States will be served by recognition and implementation of the following priority-of-service categories for use during periods of curtailed deliveries by jurisdictional pipeline companies:

(1) Residential, small commercial (less than 50 Mcf on a peak day).

(2) Large commercial requirements (50 Mcf or more on a peak day), firm industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements.

(3) All industrial requirements not specified in paragraph (a) (2), (4), (5), (6), (7), (8), or (9) of this section.

(4) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(6) Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(7) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

(8) Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(9) Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

* * * * *

The priorities-of-deliveries set forth above will be applied to the deliveries of all jurisdictional pipeline companies during periods of curtailment on each company's system; except, however, that, upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, exceptions to those priorities may be permitted.

The above list of priorities requires the full curtailment of the lower priority category volumes to be accomplished before curtailment of any higher priority volumes is commenced. Additionally, the above list requires both the direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same category of priority.

The tariffs filed with this Commission should contain provisions that will reflect sufficient flexibility to permit pipeline companies to respond to emergency situations (including environmental emergencies) during periods of curtailment where supplemental deliveries are required to forestall irreparable injury to life or property.

(B) The amendment provided for herein shall be effective as of March 2, 1973.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4565 Filed 3-8-73;8:45 am]

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 801—GENERAL POLICIES

Correction

In FR Doc. 73-3155 appearing at page 4662 of the issue for Tuesday, February 20, 1973, the following changes should be made in § 801.7: Paragraph (d) should be deleted and paragraph (e), should be redesignated as paragraph (d).

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-55]

PART 1—GENERAL PROVISIONS

Designation of New Port of Entry

Correction

In FR Doc. 73-3037 appearing at page 4507 in the issue for Thursday, February 15, 1973, the following should be inserted in the second line of the third paragraph, immediately before the word "Department": "all that area in the State of Nevada as laid out by the United States".

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 .....)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

PROVIDER RECORDKEEPING CAPABILITY

On April 29, 1972, there was published in the FEDERAL REGISTER (37 FR 8677) a notice of proposed rule making with proposed amendments to Subparts D and F of Regulation No. 5 of the Social Security Administration. The proposed amendments provide that (1) an intermediary shall determine whether a newly certified provider has adequate recordkeeping capability sufficient for determining the cost of services furnished program beneficiaries before making payment to such provider; (2) an intermediary shall suspend Medicare payments at any time it ascertains that a provider's records are no longer adequate; and (3) the Secretary shall not enter into an agreement for participation in the Medicare program with an organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending.

All comments submitted, with respect to the proposed amendments, were given due consideration. The following changes were made as a result of comments received:

1. A new paragraph (e) was added to § 405.406 requiring an intermediary, before suspending payments to a provider, to send written notice to the provider in accordance with § 405.371(a) notifying the provider that its recordkeeping capability is inadequate to determine the reasonable cost of services rendered to Medicare beneficiaries and identifying the specific recordkeeping deficiencies which are to be corrected before payment can be made. The provider will be given the opportunity in accordance with § 405.371(a) to submit a statement (including any pertinent evidence) as to why program payments should not be withheld or suspended.

2. Comment was also made on the costs that would be incurred by the intermediary in receiving, processing and monitoring copies of patient service charge schedules and changes thereto, as required by proposed § 405.406(d)(3). This subparagraph was revised to require the provider to furnish its charge schedules, along with any subsequent revisions, only when so requested by the intermediary. The change will virtually eliminate the administrative costs involved in continually monitoring provider charge schedules, but will permit the intermediary to acquire charge data when necessary to determine program payments.

3. Comments were received as to the various interpretations that could be given to the words "insolvent" and "insolvency" as used in § 405.454(k). This paragraph was rephrased to clarify their intent.

Accordingly, with these changes, the proposed amendments as set forth below are adopted.

(Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 49 Stat. 647, as amended, 79 Stat. 296–297, 79 Stat. 302, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

Effective date. These amendments shall be effective on March 9, 1973.

Dated: January 22, 1973.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 1, 1973.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

1. Section 405.406 is amended by revising paragraph (a) and adding new paragraphs (c), (d), and (e) to read as follows:

§ 405.406 Financial data and reports.

(a) *General.* The principles of cost reimbursement will require that providers maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the hospital and related fields are followed. Changes in these practices and systems will not be required in order to determine costs payable under the principles of reimbursement. Essentially the methods of determining costs payable under title XVIII involve making use of data available from the institution's basic accounts, as usually maintained, to arrive at equitable and proper payment for services to beneficiaries.

* * * * *

(c) *Recordkeeping requirements for new providers.* A newly participating provider of services (as defined in § 405.605) shall make available to its selected intermediary for examination its fiscal and other records for the purpose of determining such provider's ongoing recordkeeping capability and inform the intermediary of the date its initial health insurance cost reporting period will end. This examination is intended to assure that (1) the provider has an adequate ongoing system for furnishing the records needed to provide accurate cost data and other information capable of verification by qualified auditors and adequate for cost reporting purposes under section 1815 of the Act, and (2) that no financial arrangements exist that will thwart the commitment of the health insurance program to reimburse providers the reasonable cost of services furnished beneficiaries. The data and information to be examined includes cost, revenue, statistical, and other information pertinent to reimbursement including, but not limited to, that described in paragraph (d) of this section and § 405.453.

(d) *Continuing provider recordkeeping requirements.* (1) The provider shall furnish such information to the intermediary as may be necessary (i) to assure proper payment by the program, including the extent to which there is any common ownership or control (see § 405.427(b) (2) and (3)) between providers or other organizations, and as may be needed to identify the parties responsible for submitting program cost reports, (ii) to receive program payments, and (iii) to satisfy program overpayment determinations.

(2) The provider shall permit the intermediary to examine such records and documents as are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include, but not be limited to, matters of provider ownership, organization, and operation; fiscal, medical, and other recordkeeping systems; Federal income tax status; asset acquisition, lease, sale or other action; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received by source and purpose; and flow of funds and working capital.

(3) The provider, when requested, shall furnish the intermediary copies of patient service charge schedules and changes thereto as they are put into effect. The intermediary shall evaluate such charge schedules to determine the extent to which they may be used for determining program payment.

(e) *Suspension of program payments to a provider.* When an intermediary determines that a provider does not maintain or no longer maintains adequate records for the determination of reasonable cost under the health insurance program, payments to such provider shall be suspended until the intermediary is assured that adequate records are maintained. Before suspending payments to a provider, the intermediary shall, in accordance with the provisions of § 405.317(a), send written notice to such provider of its intent to suspend payments. The notice shall, explain the basis for the intermediary's determina- records and shall identify the provider's recordkeeping deficiencies. The provider will be given the opportunity, in accordance with § 405.371(a), to submit a statement (including any pertinent evidence) as to why the suspension should not be put into effect.

2. Section 405.454 is amended by adding thereto a new paragraph (k) to read as follows:

§ 405.454 Payment to providers.

* * * * *

(k) *Bankruptcy or insolvency of provider.* If, on the basis of reliable evidence, the intermediary has a valid basis for believing that, with respect to a provider, proceedings have been or will shortly be instituted in a State or Federal court for purposes of determining whether such provider is insolvent or bankrupt under an appropriate State or Federal law, any current financing payment or interim payments shall be adjusted by the intermediary, notwithstanding any other regulation or program instruction regarding the timing or manner of such adjustments, to a level necessary to insure that no overpayment to the provider is made.

3. Subpart F of Part 405 is amended by adding thereto a new § 405.603 to read as follows:

§ 405.603 Acceptance of agreement by Secretary; bankruptcy and insolvency.

(a) *General.* An agreement to participate as a provider under the program will not be accepted by the Secretary from an organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending under such law.

(b) *Application.* Prior to the Secretary's acceptance of an agreement from an applicant organization, an owner or officer (if a corporation) must furnish a statement in writing indicating whether or not such organization has been adjudged insolvent or bankrupt in any State or Federal court or a court proceeding to make such a judgment is pending. An organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law, or with respect to which a court proceeding to make such a judgment is pending under such law, is excluded from participation because such organization (as distinguished from the court having jurisdiction over the bankruptcy or insolvency proceeding) would be unable to give satisfactory assurances of compliance with the requirements of title XVIII of the Act. However, if a provider participating and receiving payments under the health insurance program subsequently is adjudged insolvent or bankrupt by a court of competent jurisdiction, such financial condition itself would not terminate the provider's participation in the program.

[FR Doc.73-4585 Filed 3-8-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7261]

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

Income Tax Treatment of Mineral Production Payments; Correction

On March 1, 1973, Treasury Decision 7261 was published in the FEDERAL REGISTER (38 FR 5462). Paragraph (b) of § 1.512(b)-1 of the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7261, is corrected by inserting the following sentence immediately after the first sentence thereof: "However, for taxable years beginning after December 31, 1969, certain royalties from and certain deductions in connection with either, debt-financed property (as defined in section 514(b)) or controlled organizations (as defined in paragraph (1) of this section) shall be included in computing unrelated business taxable income."

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

[FR Doc.73-4624 Filed 3-8-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION: EQUAL OPPORTUNITY: POLICIES AND PROCEDURES

Subpart E—Equal Employment Opportunity Guidelines

By virtue of the authority vested in it by 5 U.S.C. 301, and Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended, the Law Enforcement Assistance Administration hereby issues Title 28, Chapter I, Subpart E of Part 42 of the Code of Federal Regulations. In that the material contained herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Administrator, Law Enforcement Assistant Administration, U.S. Department of Justice, Washington, D.C. 20530, Attention: Office of Civil Rights Compliance within 45 days of the publication of the guidelines contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 42, Subpart E as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

Subpart E—Equal Employment Opportunity Guidelines

Sec.
42.301 Purpose.
42.302 Application.
42.303 Evaluation of employment opportunities.
42.304 Written Equal Employment Opportunity Program.
42.305 Recordkeeping and certification.
42.306 Guidelines.
42.307 Obligations of recipients.
42.308 Noncompliance.

AUTHORITY: 5 U.S.C., sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended.

Subpart E—Equal Employment Opportunity Guidelines

§ 42.301 Purpose.

(a) The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351, 82 Stat. 197; Public Law 91-644, 84 Stat. 1881), has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

(b) Pursuant to the authority of the Safe Streets Act and the equal employment opportunity regulations of theDepartment of Justice relating to LEAA assisted programs and activities (28 CFR 42.201, et seq., Subpart D of this part), the following Equal Employment Opportunity Guidelines are established.

§ 42.302 Application.

(a) As used in these guidelines "Recipient" means any State, political subdivision of any State, combination of such States or subdivisions, or any department, agency, or instrumentality of any of the foregoing receiving Federal financial assistance from LEAA, directly or through another recipient, or with respect to whom an assurance of civil rights compliance given as a condition of the earlier receipt of assistance is still in effect.

(b) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which is located in a geographic area where the available minority work force is 3 percent or more of the total work force, is required to formulate, implement, and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women within 120 days after the promulgation of these guidelines, or the initial application for assistance is approved, whichever is sooner. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(b).

(c) "Minority persons" shall include persons who are Negro, Oriental, American-Indian, or Spanish - surnamed Americans. "Spanish-surnamed Americans" means those of Latin American, Cuban, Mexican, Puerto Rican, or Spanish origin. In Alaska, Eskimos and Aleuts should be included as "American Indians."

(d) For the purpose of these guidelines, the relevant "geographic area" will be considered to be the State for State agencies, institutions, and facilities; the Standard Metropolitan Statistical Area, as that area is defined by the U.S. Bureau of Census for those county and municipal agencies, institutions, and facilities within a Standard Metropolitan Statistical Area; and the county for county and municipal agencies, institutions, and facilities not located in a Standard Metropolitan Statistical Area.

(e) "Fiscal year" means the 12 calendar months beginning July 1, and ending June 30, of the following calendar year. A fiscal year is designated by the calendar year in which it ends.

§ 42.303 Evaluation of employment opportunities.

(a) A necessary prerequisite to the development and implementation of a satisfactory Equal Employment Opportunity Program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective Equal Employment Opportunity Program may only be accomplished where the program is coordinated by the recipient agency with the cognizant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment and selection of entrance candidates and selection of candidates for promotion.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. The evaluation should include, but not necessarily be limited to, the following factors:

(1) An analysis of present representation of women and minority persons in all job categories;

(2) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories;

(3) An analysis of seniority practices and provisions, upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(4) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

§ 42.304 Written Equal Employment Opportunity Program.

Each recipient's Equal Employment Opportunity Program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex, and national origin (include for example Spanish-surnamed, Oriental, and American Indian). Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex, and national origin on each shift and in each location should be identified. When relevant, the location assignments should characterize the racial/ethnic mix of the

geographic location by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex, and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex, and national origin.

(c) The number of individuals by race, sex, and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex, and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.

(d) The number of employees in each job category by race, sex, and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.

(e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year identifying by race, sex, and national origin which were voluntary and involuntary terminations.

(f) Available community and area labor characteristics within the relevant geographical area including total population, workforce, and existing unemployment by race, sex, and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., State and local employment services, or other reliable sources. Recipients should identify the sources of the data used.

(g) A detailed narrative statement setting forth the recipient's existing employment policies and practices as defined in § 42.202(b). Thus, for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, how a cut-off score is established and whether the test has been validated to predict job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment practices, procedures and practices used by the applicant.

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures and practices as they relate to minority employment (see § 42.303) and equal opportunities for women, and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. For example, The Equal Employment Opportunity Commission, in carrying out its responsibilities in insuring compliance with title VII has published "Guidelines on Employee Selection Procedures" (29 CFR, 1607) which, among other things, proscribes the use of employee selection practices, procedures and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be statistically related to job performance and where the use of such an unvalidated selection device tends to disqualify a disproportionate number of minority individuals or women for employment. The EEOC "Guidelines" set out appropriate procedures to assist in establishing and maintaining equal employment opportunities. Recipients of LEAA assistance using selection procedures which are not in conformity with the EEOC "Guidelines" shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and, if necessary, the steps the recipient agency will take to correct any existing deficiency.

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contracts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 29 CFR 60–2.25(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 29 CFR 60–2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities. As appropriate, recipients may wish to refer to the responsibilities suggested in Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 29 CFR 60–2.22.

§ 42.305 Recordkeeping and certification.

The Equal Employment Opportunity Program and all records in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant state planning agency or the LEAA. Applications to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, shall be accompanied by a certificate stating that equal employment opportunity program is on file with the recipient. In the case of grants made at the discretion of LEAA in excess of $100,000 in amount, a copy of the certification required by this paragraph shall be mailed to the LEAA office in Washington, D.C., charged with responsibility for enforcement of civil rights compliance obligations of LEAA recipients. The form of the certification shall be as follows:

I, _____ (person filing the application) certify that the _____ (criminal justice agency) has formulated an equal employment opportunity program in accordance with 28 CFR 42.301, et seq., Subpart E, and that it is on file in the Office of _____ (name), _____ (address), _____ (title), for review or audit by officials of the cognizant state planning agency or the Law Enforcement Assistance Administration, as required by relevant laws and regulations.

The criminal justice agency created by the Governor to implement the Safe Streets Act within each State shall certify that it requires, as a condition of the receipt of block grant funds, that recipients from it have executed an Equal Employment Opportunity Program in accordance with this subpart, or that, in conformity with the terms and conditions of this regulation no equal employment opportunity programs are required to be filed by that jurisdiction.

§ 42.306 Guidelines.

(a) Recipient agencies are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals and women.

(b) Postaward compliance reviews of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the relevant population workforce and the percentage of minority employees in the agency. Equal employment program modification may be suggested by LEAA whenever identifiable referral or selection procedures and policies suggest to LEAA the appropriateness of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

(c) A significant disparity between minority workforce population in the relevant geographical area and the minority workforce of the agency may be deemed to exist if the percentage of a minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the workforce population in the relevant geographical area.

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these guidelines for the mainte-

nance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assistance shall obligate the recipient for the period during which the property is used for a purpose for which the Federal financial assistance is extended.

§ 42.308 Noncompliance.

Failure to implement and maintain an Equal Employment Opportunity Program as required by these guidelines shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act and the equal employment opportunity regulations of the Department of Justice. (See 42 U.S.C. 3757 and §42.206.)

Effective date. This guideline shall become effective on March 9, 1973.

Dated: March 6, 1973.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

Dated: March 5, 1973.

CLARENCE M. COSTER,
Associate Administrator.

Dated: March 6, 1973.

RICHARD W. VELDE,
Associate Administrator.

[FR Doc.73-4554 Filed 3-8-73;8:45 am]

Title 32—National Defense

CHAPTER XIV—THE RENEGOTIATION BOARD

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contribution to the Defense Effort

The Renegotiation Board hereby adopts the proposed amendment to Part 1460 which was published on January 23, 1973 (38 FR 2219-2220), certain changes having been made therein. Said regulation, as adopted, reads as set forth below.

Dated: March 6, 1973.

RICHARD T. BURRESS,
Chairman.

This Part 1460 is amended by deleting § 1460.13 *Contribution to the defense effort* in its entirety and inserting in lieu thereof the following:

§ 1460.13 Contribution to the defense effort.

(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(4) Nature and extent of contribution to the defense effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance.

(b) *Comment.* Every contractor contributes to the defense effort when he performs or assists others to perform a defense contract or subcontract, or when, in connection with such a contract or subcontract, he otherwise renders a service of value to a defense program or objective. Credit will be given under this factor, in such degree as as the facts may warrant, for (1) superior performance in excess of contract requirements, such as completion of urgent work ahead of schedule at the request of the procuring department, or exceeding specifications in a manner beneficial to the defense effort; (2) ingenuity in providing new uses for products or production machinery or equipment; (3) overcoming difficulties, which others have failed to overcome, in providing materials or services for the defense effort; (4) experimental and developmental work of high value to the defense effort; (5) new inventions, techniques, and processes of unusual merit; (6) performance under difficult environmental or geographical conditions or hazardous working conditions; (7) cooperation with the Government and with other contractors in contributing proprietary data or in developing and supplying technical assistance to alternative or competitive sources of supply; or (8) performance, assistance, or service considered otherwise exceptional.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A.; App. sec. 1219)

[FR Doc.73-4613 Filed 3-8-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-178R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Debbies Creek, Manasquan, N.J.

This amendment changes the regulations for the Monmouth County drawbridge across Debbies Creek at Brielle Road to permit closed periods from Memorial Day through Labor Day from 7 a.m. to 8 p.m. when the draw need open only on the hour and half hour if vessels are waiting to pass. This amendment was circulated as a public notice dated September 20, 1972, by the Commander, Third Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72-178P) on September 14, 1972 (37 FR 18634). Twelve comments were received. Five favored the proposal and one had no objection. Six objections were received. Those opposing were concerned with safety of navigation, the increase in the number of vessels in the vicinity and the erosion of the free navigation of waterways by the imposition of restrictions of drawbridge operations. The Coast Guard has considered these objections and while they are valid, it is felt that the regulations, as proposed, are reasonable. This change will be closely monitored and if modifications of these regulations are indicated, action to accomplish this will be initiated.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (5) to paragraph (j) to § 117.215 to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

* * * * *

(j) * * *

(5) Debbies Creek, Manasquan, N.J. The draw shall open on signal except that from Memorial Day through Labor Day from 7 a.m. to 8 p.m. the draw need open only on the hour and half hour if any vessels are waiting to pass.

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

Effective date. This revision shall become effective on April 15, 1973.

Dated: March 2, 1973.

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

[FR Doc.73-4555 Filed 3-8-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Grants for Construction of Treatment Works

Correction

In FR Doc. 73-3756 appearing at page 5329 for the issue for Wednesday, February 28, 1973, the phrase in the second line of § 35.930-1(a)(4) now reading "920(c); or" should be deleted. The first word in § 35.935-6 now reading "Generall" should read "Generally".

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

Debarred, Suspended, and Ineligible Bidders

Chapter 3, Title 41, Code of Federal Regulations, is hereby amended to take cognizance of (a) the revisions to Subpart 1-1.6, Chapter 1, Title 41, of the Code of Federal Regulations published in the FEDERAL REGISTER, November 2, 1972, Volume 37, No. 212, and (b) organizational changes within the Department.

It is the general policy of the Department of Health, Education, and Welfare, to allow time for interested parties to take part in the rule making process. However, since the amendment herein involves minor technical matters, the

public rule making process is deemed unnecesary in this instance.

(5 U.S.C. 301, 40 U.S.C. 486(c))

Subpart 3–1.6 is amended to read as follows:

Subpart 3–1.6—Debarred, Suspended, and Ineligible Bidders

Sec.

3–1.600 Scope of subpart.
3–1.602 Establishment, maintenance and distribution of a list of concerns or individuals debarred, suspended, or declaired ineligible (Debarred Bidders List).
3–1.602–1 Bases for entry on the HEW debarred, suspended, and ineligible list.
3–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.
3–1.604 Causes and conditions applicable to determination of debarment.
3–1.604–1 Procedural requirements relating to the imposition of debarment.
3–1.605 Suspension of bidders.
3–1.605–1 Causes and conditions under which HEW may suspend contractors.
3–1.605–4 Notice of suspension.
3–1.606 Departmental procedure.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 3–1.6—Debarred, Suspended, and Ineligible Bidders

§ 3–1.600 Scope of subpart.

This subpart prescribes the policy and procedures of the Department of Health, Education, and Welfare (HEW) for (a) the establishment, use, maintenance, and distribution of a debarred, suspended, and ineligible bidders list, (b) the debarment and suspension of bidders for cause and (c) the placement of bidders in ineligible status for violations of the provisions of the Equal Opportunity clause.

§ 3–1.602 Establishment, maintenance and distribution of a list of concerns or individuals debarred, suspended, or declared ineligible (Debarred Bidders List).

(a) The Director, Office of Procurement and Materiel Management, OS–OASAM, is responsible for establishment and maintenance of a master consolidated list or file of firms and individuals who are administratively or legally debarred from HEW contracting and subcontracting and from whom bids and proposals will not be solicited as provided in FPR 1–1.603. This list will be known as the HEW Debarred Bidders List.

(b) Collectively, the following documents shall constitute the HEW Debarred Bidders List:

(1) Consolidated List of Current Administrative Debarments by Executive Agencies, and amendments thereto, compiled and published by the Office of Investigation—OA, General Services Administration (GSA). This publication is a combined list of debarred, suspended, and ineligible bidders, compiled from notifications furnished to GSA by executive agencies of the Federal Government.

(2) Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions, and amendments thereto, compiled by the Comptroller General of the United States.

(3) Consolidated List of Concerns and Individuals Debarred, Suspended, or Declared Ineligible by the Department of Health, Education, and Welfare to participate in its procurement program under one or more of the bases set forth in FPR 1–1.602–1 and in accordance with the regulations in this Subpart.

(4) Contract, Ineligible List of persons and firms declared ineligible by the Office of Federal Contract Compliance (OFCC) of the Department of Labor to participate in Government contracting or subcontracting by reason of noncompliance with the Equal Opportunity clause.

(c) The Director, Office of Procurement and Materiel Management, OS–OASAM, will effect direct distribution of the consolidated GSA, GAO, OFCC, and HEW lists among holders of the HEW Procurement Regulations in this Department.

§ 3–1.602–1 Bases for entry on the HEW debarred, suspended, and ineligible list.

The Director, Office of Procurement and Materiel Management, OS–OASAM, makes the administrative debarment determinations prescribed in FPR 1–1.602–1 (d), (f), and (g).

(a)–(d) [Reserved]

(e) The Department Contract Compliance Officer directs that action prescribed by FPR 1–1.602–1(e) be taken.

§ 3–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) *Total restrictions.* The Director, Office of Procurement and Materiel Management, OS–OASAM, makes the essential determinations required by FPR 1–1.603 (a) and (e).

§ 3–1.604 Causes and conditions applicable to determination of debarment.

Determination to debar or take other action concerning a firm or individual for a cause or condition for a specified period of time as provided in § 1–1.604 of this title shall be made by the Director, Office of Procurement and Materiel Management, OS–OASAM. Whenever cause for debarment becomes known to any contracting officer, he may submit recommendations for debarment to the Director, Office of Procurement and Materiel Management, OS–OASAM, through administrative channels. Such recommendations shall be accompanied by the documented file of the case.

§ 3–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Director, Office of Procurement and Materiel Management, OS–OASAM, after consultation with the Office of General Counsel, shall determine whether the facts are sufficient to warrant debarment. If the decision is not to debar, he will notify the contracting officer recommending the action. If he decides to institute debarment proceedings, he shall send a letter by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall (1) state that debarment is being considered, (2) set forth the reasons for the proposed debarment, and (3) state that such party will be accorded an opportunity for a hearing within 30 days from the date of receipt of such letter.

(b) *Hearings.* Hearings requested in connection with debarment proceedings shall be conducted before the Director, Office of Procurement and Materiel Management, OS–OASAM, or his designee. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel to present facts or circumstances showing cause why such firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority will make its decision based on the facts on record and such additional evidence as may be furnished by the parties involved. After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

§ 3–1.605 Suspension of bidders.

§ 3–1.605–1 Causes and conditions under which HEW may suspend contractors.

Any contracting officer may recommend suspension of bidders for the causes and conditions set forth in FPR 1–1.605–1. These recommendations shall be accompanied by the documented file of the case and be submitted through administrative channels to the Director, Office of Procurement and Materiel Management, OS–OASAM, for a determination of suspension.

§ 3–1.605–4 Notice of suspension.

The Director, Office of Procurement and Materiel Management, OS–OASAM, or his designee, is responsible for notifying bidders of suspensions in accordance with the provisions of FPR 1–1.605–4.

§ 3–1.606 Departmental procedure.

The Director, Office of Procurement and Materiel Management, OS–OASAM, is responsible for complying with the provisions of FPR 1–1.606.

Effective date. This amendment shall be effective March 9, 1973.

Dated: March 1, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–4587 Filed 3–8–73;8:45 am]

PART 3–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3–4.54—Procurement Clearance of Audiovisual Materials

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to conform the terminology and definitions found in Subpart 3–4.54 to Chapter 1–121 of the General Administration Manual, provide that noncompetitive

procurement requests for audiovisual materials be processed in the same manner as other noncompetitive procurements, and set forth the supplemental requirements for review of audiovisual materials intended for use with the general public.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves a change in internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

§§ 3–4.5401, 3–4.5402 [Amended]

1. In the following, the word "production(s)" is hereby changed to read "materials":

(a) The title of the subpart as set forth above.

(b) The first, second, and third sentences of § 3–4.5401.

(c) In paragraph (a) of § 3–4.5402.

(d) The first sentence of paragraph (b) of § 3–4.5402.

(e) The second sentence of paragraph (c) of § 3–4.5402.

2. Section 3–4.5400 is revised to read as follows:

§ 3–4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for the procurement of audiovisual materials. Chapter 1–121 of the General Administration Manual sets forth supplementary requirements for review of audiovisual materials intended for use with the public. The term "audiovisual materials," as used in this subpart, refers not only to the completed product but also to all steps and techniques leading to the realization of the completed product. The term includes motion pictures, video tapes, slide shows, film strips, audio recordings, exhibitry, or similar materials; design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the acquisition or creation of audiovisual materials regardless of intended use. Instructions relating to such material obtained with grant funds are contained in Chapter 1–450 of the HEW Grants Administration Manual.

3. Paragraph (a) of § 3–4.5404 is revised to read as follows:

§ 3–4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall be processed in accordance with § 3–3.802–50, however, ASPA–OS, shall concur in the request prior to processing the "Justification."

(5 U.S.C. 301, 40 U.S.C. 486(c))

Effective date. This amendment shall be effective on March 9, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–4586 Filed 3–8–73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71–7; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Truck-Camper Loading; Correction

This notice corrects the amendment to 49 CFR 571.126, Standard No. 126, *Truck-camper loading*, published on February 14, 1973 (38 FR 4399). The amendment to paragraph S5.1.2(a) erroneously referred to "the information required by subparagraphs (c) and (d) of paragraph S5.1.1". The reference should have been to "subparagraphs (b) and (c)".

Additionally, the opening statement of the preamble erroneously stated that the amendment allowed "optional wording of a portion of the placard to be affixed to campers, and of other required information". The amendment itself correctly allowed optional wording of information provided in the manual or other document delivered with the camper, not on the placard.

In consideration of the foregoing, paragraph S5.1.2(a) of 49 CFR 571.126, Standard No. 126, is amended by changing the words "subparagraphs (c) and (d) of paragraph S5.1.1" to "subparagraphs (b) and (c) of paragraph S5.1.1".

Effective date: March 9, 1973. Because the amendment corrects an error, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 112, 114 and 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, and 1407; delegation of authority at 49 CFR 1.51)

Issued on March 5, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73–4623 Filed 3–8–73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–19 (Sub 8)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Correction

MARCH 5, 1973.

Section 1056.6(d), Title 49, Code of Federal Regulations (35 FR 5551, April 3, 1970) is corrected by amending the first sentence of the above as follows:

§ 1056.6 Determination of weights.

* * * * *

(d) *Reweighing of shipment.* The carrier, upon request of shipper, or his representative, made prior to the delivery date, will reweigh the shipment. * * *

* * * * *

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–4612 Filed 3–8–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

"Cents-Off" and "Economy Size" Package Promotions

In the matter of establishing new enforcement regulations (21 CFR 1.1d, 1.1e) to control "Cents-Off," "Economy Size," and other savings representations, a revised final order was published in the FEDERAL REGISTER of December 30, 1971 (36 FR 25219). The Commissioner ruled in the FEDERAL REGISTER of July 15, 1972 (37 FR 13976), on the objections to the final order. Included in the ruling was the finding that coupon offers accompanied by labeled savings representations are "merely another form of stating or implying that a commodity is offered at a price lower than the ordinary and customary retail price * * *."

In the July 15, 1972, issue of the FEDERAL REGISTER (37 FR 13998) the Commissioner also proposed a change in the frequency limitation on "Cents-Off" coupon or other savings representations. The proposal was made in order to achieve consistency with the regulations on "Cents-Off" promotions of the Federal Trade Commission, and the guide of the Commission concerning "free" merchandise.

A total of eight comments were received on this proposal consisting of two from trade associations, one from a food manufacturer, and five from consumers. One trade association urged that the proposal be adopted. It was argued that there is no rationale for discriminating or categorizing price promotions on the basis of whether the triggering words "Cents-Off" are used or not. Therefore, a simple six promotion limitation without subcategories of limit based on the phraseology of the promotion was urged. The Commissioner is rejecting this suggestion in order to achieve consistency with the regulations and guidelines of the Federal Trade Commission.

A trade association and one of its members agreed that the proposed limitation is reasonable and beneficial. This association repeated its earlier objections to the inclusion of coupons in "Cents-Off" regulations, and urged eliminations of coupons from the entire "Cents-Off" regulations. The member made the same suggestion.

Two consumers objected to the attempt of the Food and Drug Administration to regulate coupons. One consumer objected to "Cents-Off" promotions entirely. One consumer objected to the practices in handling coupons by retail grocery stores. One consumer urged complete discontinuance of the use of coupons.

It is the policy of the Food and Drug Administration to insure that the regulations promulgated under section 5 of the Fair Packaging and Labeling Act (Public Law 98–755), on commodities

regulated by the Agency are in consonance with regulations promulgated by the Federal Trade Commission under the same legislation, on commodities regulated by the Federal Trade Commission. On January 9, 1973, the Commissioner was advised by the Federal Trade Commission that the decision had been made by the Commission to not issue regulations on coupons under the Fair Packaging and Labeling Act. The decision of the Commission was based on the conclusion that consumers would be better off without attempting a massive regulation program. Since there was no showing of abuse, the Commission believed regulations on coupons could either severely restrict or discourage the use of an effective pricing device. The Commission considers its policy statement published in the FEDERAL REGISTER of December 16, 1969 (34 FR 19840), an adequate answer to whatever problems exist in couponing.

As a result of the decision of the Federal Trade Commission, and the comments received on the frequency limitation proposal, the Commissioner has reviewed his earlier decision to regulate coupons under the Fair Packaging and Labeling Act, and has decided to amend 21 CFR 1.1d by deleting all reference to coupons and by deleting § 1.1d(f) in its entirety while finalizing the frequency limitations proposal.

The Commissioner concludes that those portions of the final order of December 30, 1971, which apply to coupon promotions should be withdrawn, and therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298–1300; 15 U.S.C. 1454–1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), all references to coupons in § 1.1d are deleted and paragraph (f) is deleted in its entirety. In addition the provisions regarding frequency limitations proposed July 15, 1972 (37 FR 13998) are being finalized.

Section 1.1d is revised to read as follows:

§ 1.1d "Cents-off," or other savings representations.

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered for retail at a reduction in retail price is subject to the following conditions: *Provided, however,* That such conditions do not apply to any such savings representations initiated by persons who do not manufacture, package, or import such commodities and who do not prescribe or specify by any means the manner in which such commodities are packaged or labeled by a manufacturer, packager, or importer:

(a) A "cents-off," or other savings representation that states or implies a reduction in the ordinary and customary retail price may be used by a manufacturer, packer, distributor, or retailer, hereinafter known as the sponsor, initiating such promotion only if:

(1) An ordinary and customary selling price of such consumer commodity has been established at the retail level,

(2) The sponsor's selling price and the selling price at all subsequent levels of commerce such as wholesalers and jobbers has been reduced by at least the savings differential represented on the package or labeling, and

(3) The sponsor and all subsequent levels of commerce keep and maintain invoices or other records for each promotion and for all successive promotions which occur within a 12-month period for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which the promotion occurs in order to show that the invoice cost to the retailer has been reduced in an amount sufficient to enable the retailer to pass the savings on to the purchaser.

(b) (1) Each "cents-off" price reduction representation imprinted on the package or label shall be limited to a phrase which reflects that the price marked by the retailer represents the savings in the amount of the "cents-off" the retailer's regular price, e.g., "Price Marked Is ____ Cents Off the Regular Price," "Price Marked Is ____ Cents-Off the Regular Price of This Package:" *Provided,* The package or label may in addition bear in the usual pricing spot a form reflecting a space for the regular price, the represented "cents-off," and a space for the price to be paid by the consumer. The sponsor who sells the commodity at retail shall display the regular price, clearly and conspicuously designated as "regular price," on the package or label of the commodity or on a sign, placard, or shelf-marker placed in a position contiguous to the retail display of the "cents-off" marked commodity. The sponsor who does not sell at retail shall provide the retailer with a sign, placard, shelf-marker, or other device for the purpose of clearly and conspicuously displaying the retailer's regular price, designated as "regular price," in a position contiguous to the "cents-off" marked commodity.

(2) Other savings representations which appear on the label or labeling of a package, e.g., "bonus offer," "two-for-one sales," "one-cent sales," etc., are subject to the provisions of this section. Due to the infinite variety and scope of such promotions, the label format of such representations may differ from that set forth in paragraph (b)(1) of this section for "cents-off" promotions; however, such representations shall include all material facts relative to the offer and shall in no way be misleading.

(3) For the purposes of this section, the terms "ordinary and customary" and "regular" when used with the term "price" mean the price at which a consumer commodity has been openly and actively sold in the most recent and regular course of business in a particular retail outlet or a trade area for a reasonably substantial period of time (at least 30 days). For consumer commodities that fluctuate in price, the ordinary and customary price shall be the lowest price at which any substantial sales were made during said 30 days.

(c) Shipments of consumer commodities bearing "cents-off," or other savings representations to a given geographic trade area made by the sponsor initiating such promotion shall be in no greater volume than 50 percent of the total units of that identical consumer commodity distributed in the same geographic trade area during any period of 12 consecutive months comprising a calendar, fiscal, or market year.

(d) The "cents-off," or other savings promotion may not be employed by a sponsor on consumer commodities for distribution to a specific geographic trade area until after 1 month has elapsed since their last distribution of that identical consumer commodity bearing a savings representation to the same geographic trade area. The number of such promotions for that identical consumer commodity that may occur within a 12-month period comprising a calendar, fiscal, or market year shall not exceed a total of six with no more than three of any one type or kind (e.g., "cents-off," "bonus offer," "two-for-one sale," "1-cent sale," etc.), and the total period of time for all such promotions shall not exceed 6 months within that 12-month period.

(e) A newly developed consumer commodity, one which has been changed in a functionally significant respect, or one which is newly introduced into a given geographic trade area may be the subject of an "introductory offer" type promotion. Such offers are not considered subject to the provisions of paragraphs (a) through (d) of this section, provided:

(1) Each such labeled offer is clearly and conspicuously qualified with the phrase "Introductory Offer," and

(2) If the introductory offer promotion is in the form of a "cents-off" representation, each such labeled offer shall include clearly and conspicuously in immediate conjunction therewith the phrase "____ Cents Off the After-Introductory-Offer Price"; and

(3) Labeled representations do not exceed a period of 6 months duration.

Any subsequent price reduction promotion of the consumer commodity is subject to the provisions of paragraphs (a) through (d) of this section and shall be preceded by the 30-day period required for a determination of the ordinary and customary selling price in that retail establishment. At the time of making the introductory offer promotion, the sponsor must intend in good faith to offer the commodity alone, immediately following the introductory offer promotion, for a reasonably substantial period of time (at least 30 days) at the anticipated after-introductory-offer price. The sponsor of the introductory offer promotion and all subsequent levels of commerce shall sell the commodity at a reduction from their anticipated after-introductory-offer price which reduction shall be at least equal to the savings differential represented on the package or labeling. The sponsor and all subsequent levels of commerce shall maintain invoices and records for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which such introductory offer occurs.

Any person who will be adversely affected by the foregoing order may at any time on or before April 9, 1973, 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, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on May 8, 1973, 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.

(Secs. 5, 6, 80 Stat. 1298-1300; 15 U.S.C. 1454-1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: March 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4716 Filed 3-8-73;10:55 am]

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

WASHINGTON HEADQUARTERS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended by revising § 2.171 to reflect organization changes, as follows:

§ 2.171 Washington headquarters.

The central organization of the Food and Drug Administration consists of the following:

OFFICE OF THE COMMISSIONER

Commissioner of Food and Drugs.
Deputy Commissioner.
Associate Commissioner for Compliance.
Associate Commissioner for Medical Affairs.
Associate Commissioner for Science.
Associate Commissioner for Administration.
Assistant Commissioner for Public Affairs.
Assistant Commissioner for Planning and Evaluation.

BUREAU OF FOODS

Director.
Deputy Director.
Office of the Assistant Director for Management.
Office of the Assistant Director for Scientific Coordination.
Office of Sciences.
Office of Product Technology.
Office of Compliance (Foods).
Office of Food Sanitation.

BUREAU OF RADIOLOGICAL HEALTH

Director.
Deputy Director.
Division of Biological Effects.
Division of Electronic Products.
Division of Medical Radiation Exposure.

BUREAU OF PRODUCT SAFETY[1]

Director.
Deputy Director.
Division of Compliance.
Division of Chemical Hazards.
Division of Mechanical, Electrical, and Thermal Hazards.
Division of Children's Hazards.
Injury Data and Control Center.

BUREAU OF BIOLOGICS

Director.
Deputy Director.
Associate Director for Regulatory and Administrative Management.
Division of Virology.
Division of Blood and Blood Products.
Division of Control Activities.
Division of Pathology.
Division of Bacterial Products.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Director.
Assistant Director for Plans, Programs, and Systems.
Assistant Director for Administrative Services.
Office of Operations.
Office of Pathology Services.
Office of Toxicological Research.

EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS

Executive Director of Regional Operations.
Deputy Executive Director of Regional Operations.
Division of Field Operations.
Division of Planning and Analysis.
Division of Federal-State Relations.

BUREAU OF VETERINARY MEDICINE

Director.
Deputy Director.
Division of Veterinary Research.
Division of New Animal Drugs.
Division of Veterinary Medical Review.
Division of Compliance.
Division of Nutritional Sciences.

BUREAU OF DRUGS

Director.
Deputy Director.
Office of the Assistant Director for Planning and Analysis.
Office of Compliance (Drugs).
Office of Pharmaceutical Research and Testing.
Office of Scientific Coordination.
Office of Scientific Evaluation.

Current locations and addresses of these units may be obtained from the Food and Drug Administration, Information Center, 200 C Street SW., Washington, D.C. 20204.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4545 Filed 3-8-73;8:45 am]

[1] The majority of the functions of this Bureau will transfer to the Consumer Product Safety Commission pursuant to provisions of the Consumer Product Safety Act (Public Law 92-573, Oct. 27, 1972).

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

O,O-DIMETHYL 2,2,2-TRICHLORO-1-HYDROXYETHYL PHOSPHONATE; CORRECTION

In FR Doc. 73-1622 appearing at page 2681 in the FEDERAL REGISTER of Monday, January 29, 1973, the subpart letter and section number are incorrect. Accordingly, the following changes are made:

1. In the headings, change "Subpart D—Food Additives * * *" to "Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals".

2. In the sixth paragraph, last line, change "D" to "C".

3. In the section heading immediately following the above item 2, change "§ 121.1247" to "§ 121.344".

Dated: March 1, 1973.

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

[FR Doc.73-4505 Filed 3-8-73;8:45 am]

Proposed Rule Making

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Qualified Export Receipts and Producer's Loans of a Domestic International Sales Corporation (DISC)

On October 4, 1972, notice of proposed rule making was published in the FEDERAL REGISTER in regard to regulations under section 993 of the Internal Revenue Code of 1954, relating to qualified export receipts and producer's loans of a domestic international sales corporation (DISC), as added by section 501 of the Revenue Act of 1971 (37 FR 20853). Notice is hereby given that the proposed regulations contained in § 1.993–1(l)(1), as set forth in the notice of proposed rule making, are hereby withdrawn.

Further notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of the Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 26, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 26, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, October 4, 1972, (37 FR 20853), proposed regulations were published under section 993 of the Internal Revenue Code of 1954, relating to qualified export receipts and producer's loans of a domestic international sales corporation (DISC). This document withdraws the proposed regulations contained in § 1.993–1(l)(1) and in lieu of the proposed regulations which are so withdrawn sets forth new proposed regulations under § 1.993–1(l)(1).

The proposed regulations previously published under § 1.993–1(l)(1) allow a corporation, if it meets the necessary requirements to be treated as a DISC for a taxable year, to take advantage of the intercompany pricing rules of section 994 (a) (1) or (2) in the case of any transactions described in § 1.994–1(b) (as proposed in 37 FR 19625 for September 21, 1972) between the DISC and its related supplier, provided that the relationship between the DISC and its related supplier is defined by an agreement which is written and which meets the requirements described in § 1.993–1(l)(2). In the case of a transaction pursuant to a sales or other agreement entered into before April 9, 1973, the new proposed regulations under § 1.993–1(l)(1) modify the strict requirements regarding the agreement between the DISC and its related supplier by providing that such agreement is the understanding relating to the participation of the DISC in such transaction, provided that such understanding is reduced before April 9, 1973, to a writing executed by the DISC and its related supplier containing the terms of such understanding. A transaction pursuant to a sales or other agreement entered into on or after April 9, 1973, will be subject to the rules originally proposed under § 1.993–1(l)(1).

AMENDMENT TO PROPOSED REGULATIONS

On October 4, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 20853) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 993 of the Internal Revenue Code of 1954, relating to qualified export receipts and producer's loans of a domestic international sales corporation (DISC), as added by section 501 of the Revenue Act of 1971. The proposed regulations contained in § 1.993–1 (l)(1), as set forth in the appendix to the notice of proposed rule making, are hereby withdrawn. The above-mentioned notice of proposed rule making is amended as follows, and the following rules are hereby prescribed in lieu of the rules which are so withdrawn:

§ 1.993–1 Definition of qualified export receipts.

* * * * *

(l) *DISC's entitlement to income*—(1) *Application of section 994.* A corporation which meets the requirements of § 1.992–1(a) (as proposed in 37 FR 10368 for May 20, 1972) to be treated as a DISC for a taxable year is entitled to income, and the intercompany pricing rules of section 994(a) (1) or (2) apply, in the case of any transactions described in § 1.994–1(b) (as proposed in 37 FR 19625 for September 21, 1972) between such DISC and its related supplier (as defined in § 1.994–1(a)(3)) (as proposed in 37 FR 19625 for September 21, 1972), provided that the relationship between the DISC and its related supplier is defined by a supplier's agreement described in this paragraph. A supplier's agreement must be a written agreement described in paragraph (l)(2) of this section except that with respect to a transaction pursuant to an agreement for the sale or lease of property, or the furnishing of services, to a person other than the DISC or its related supplier, entered into before April 9, 1973, a supplier's agreement is the understanding relating to the participation of the DISC in such transaction, provided that such understanding is reduced before April 9, 1973, to a writing executed by the DISC and its related supplier containing the terms of such understanding (whether or not such writing conforms to the requirements of paragraph (l)(2) of this section and whether or not the transaction was completed before such date). For purposes of this paragraph, such DISC need not have employees or perfom any specific function.

* * * * *

[FR Doc.73-4561 Filed 3-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Credit for Paid Advertising of Almond Products

Notice is hereby given of a proposal to amend § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.450–981.481; 37 FR 13790; 16930) to permit crediting handlers' assessment obligations for advertising almond products. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 37 FR 3983), regulating the

handling of almonds grown in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

Section 981.41 of the order provides, in part, that the Almond Control Board may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. Section 981.441 provides that a handler may receive such credit for advertising almonds, either separately or in conjunction with a complementary commodity or product. Any such crediting is subject to the stipulation in § 981.441(c) that the theme of each advertisement shall promote the sale, consumption, or use of California almonds.

The proposal would add a subparagraph (4) to § 981.441(d) to permit crediting for paid advertising of almond products. Consistent with § 981.441(c) with respect to promoting the sale, consumption, or use of California almonds, almond products would have to contain at least 50 percent raw shelled almonds, by weight, to be creditable. In addition, to be eligible for credit, an almond product could not contain any other nuts. While some products contain less than 50 percent raw shelled almonds, by weight, these would not be deemed almond products under the proposal and thus not eligible for credit. Since an almond product is not composed solely of almonds, only 50 percent of the allowable expenses for promoting an almond product would be credited to a handler's assessment obligation. Furthermore, since the objective of the subparagraph is to permit crediting a handler's assessment obligation for allowable expenses incurred by the handler in advertising almond products, the handler's brand would have to be displayed on the product.

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 by March 15, 1973. 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 proposal is to amend paragraph (d) of § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR Part 981.450–981.481; 37 FR 13790; 16930) by adding a subparagraph (4) reading as follows:

§ 981.441 Crediting for paid advertising.

* * * * *

(d) * * *

(4) When almond products are advertised, the allowance shall be 50 percent of the total allowance payment to the advertising medium or the handler's allowable payment thereof, whichever is less: *Provided*, That (i) the almond product does not contain nuts other than almonds, (ii) the almond product contains at least 50 percent raw shelled almonds by weight, and (iii) the almond product displays the handler's brand.

* * * * *

Dated: March 5, 1973.

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

[FR Doc.73–4524 Filed 3–8–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 3, 125]

SPECIAL DIETARY FOODS

Label Statements; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing; Extension of Time for Exceptions

The notice of proposed rule making published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143) regarding the revocation of §§ 1.11, 3.9, 3.32, 3.46 (21 CFR 1.11, 3.9, 3.32, and 3.46), and the revision of § 125.1 *Definitions and interpretation of terms*, § 125.2 *General label statements; dietary properties; value; placement*, and § 125.3 *Label statements relating to vitamins and minerals* provided for the filing of written exceptions thereto on or before March 20, 1973.

The Commissioner of Food and Drugs has received a request from the National Association of Pharmaceutical Manufacturers to extend the filing period to April 20, 1973, and has also received requests from consumer groups' representatives for a nonspecified extension of time. Good reason therefor appearing, the time for filing of written exceptions is extended. To be considered, such exceptions must be received at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, by the close of business (5 p.m.) on April 20, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, 1048, 1055, as amended by 70 Stat. 919; 21 U.S.C. 341, 343(j), 371 (e)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4660 Filed 3–8–73;8:45 am]

[21 CFR Part 80]

DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

Definitions, Identity, and Label Statements; Proposed Findings of Fact, Conclusions, and Tentative Order Following a Public Hearing; Extension of Time for Exceptions

The notice of proposed rule making published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2152) regarding modification of § 80.1 *Dietary supplements of vitamins and minerals; definition, identity, label statements* provided for the filing of written exceptions thereto on or before March 20, 1973.

The Commissioner of Food and Drugs has received a request from the National Association of Pharmaceutical Manufacturers to extend the filing period to April 20, 1973, and has also received requests from consumer groups' representatives for a nonspecified extension of time. Good reason therefor appearing, the time for filing of written exceptions is extended. To be considered, such exceptions must be received at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, by the close of business (5 p.m.) on April 20, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, 1048, 1055, as amended by 70 Stat. 919; 21 U.S.C. 341, 343(j), 371 (e)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4661 Filed 3–8–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73–WE–1–AD]

INTERNATIONAL INFLATABLES COMPANY REGULATOR, MODEL NO. 70003

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to International Inflatables Company regulator, Model No. 70003. Corrosion in two regulators in civil aircraft has occurred so as to render the equipment inoperative. An inoperative regulator prevents the passenger evacuation slide from being inflated. Since this condition is likely to exist or develop in other products of the same design, the proposed airworthiness directive would require a repetitive inspection of all regulators installed in civil aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before April 13, 1973, will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will

be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1665(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

INTERNATIONAL INFLATABLES COMPANY. Applies to aircraft incorporating International Inflatables Company regulator, P/N 70003.

NOTE: This regulator has been FAA-approved as a replacement for International Inflatables regulator P/N 68240, the subject of AD 71-14-3. Both regulators are used on various international inflatables passenger evacuation slides, installed in but not limited to, BAC 1-11, B-707, B-720, B-727, DC-8, DC-9, and L-188 aircraft.

Compliance required as indicated.

To determine the presence of corrosion in regulator P/N 70003, accomplish the following:

(a) Within the next 60 days after the effective date of this AD, unless already accomplished within the last 60 days, and thereafter at intervals not to exceed 120 days from the last inspection, visually inspect the International Inflatables Company regulator, P/N 70003 for any evidence of corrosion both inside and outside of the regulator assembly, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA, Western Region. If there is any evidence of corrosion, replace the regulator prior to further flight with a previously inspected (per this AD) and corrosion-free regulator or an FAA-approved regulator. Do not return to service any regulator exhibiting evidence of corrosion.

(b) After the effective date of this AD, and prior to the installation of an International Inflatables Company regulator, P/N 70003, in an aircraft, inspect that regulator per (a) above.

Issued in Los Angeles, Calif., on February 27, 1973.

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

[FR Doc.73-4523 Filed 3-8-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-13]

CONTROL ZONES AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In § 71.171 (38 FR 351), the Waco, control zone is added:

WACO, TEX. (JAMES CONNALLY AIRPORT)

Within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.) excluding the portion within the Waco, Tex. (Waco Municipal Airport), control zone. The control zone will be effective during the times established in advance by a notice to airmen continously published in the Airman's Information Manual.

In § 71.171 (38 FR 351), the Waco, Tex., control zone is amended to read "Waco, Tex. (Waco Municipal Airport)."

In § 71.181 (38 FR 435), the Waco, Tex., transition area is amended by deleting "latitude 31°49'00" N., longitude 97°00'00" W." and substituting therefor "latitude 31°46'00" N., longitude 96°55'00" W."

The alteration of the Waco, Tex., transition area and the designation of the Waco, Tex. (James Connally Airport), control zone are to provide necessary controlled airspace for a proposed instrument landing system (ILS) on Runway 17 at the James Connally Airport. Final rule-making airspace action is contingent upon establishment of the ILS instrument approach procedure and conformance of criteria contained in FAA Handbook 7400.2A, Procedures for Handling Airspace Matters, paragraph 210, Control Zone Requirements.

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

Issued in Fort Worth, Tex., on February 28, 1973.

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

[FR Doc.73-4516 Filed 3-8-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-105]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73-3759 appearing at page 5482 in the issue for Thursday, March 1, 1973, the closing date for comments stated in the sixth line from the end of the second paragraph, now reading "March 2", should read "April 2".

[14 CFR Part 71]

[Airspace Docket No. 73-SW-12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Sherman, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

It is proposed to amend Part 71 of the Federal Aviatior. Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the Sherman, Tex., transition area is amended by deleting "(latitude 33°37'30" N., longitude 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (latitude 33°42'25" N., longitude 96°40'25" W.)" and substituting therefor "(latitude 33°-37'30" N., longitude 96°35'00" W.); within a 7-mile radius of Grayson County Airport (latitude 33°42'55" N., longitude 96°40'25" W.); and within 2 miles each side of the 181° T. (173° M.) bearing from the Grayson County NDB (latitude 33°49'26" N., longitude 96°40'10" W.) extending from the 7-mile radius area to the NDB."

The proposed alteration of the Sherman, Tex., transition area is to provide additional controlled airspace necessary

to contain the new instrument approach procedure predicated on the Grayson County NDB.

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

Issued in Fort Worth, Tex., on February 28, 1973.

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

[FR Doc.73-4515 Filed 3-8-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-15]

TRANSITION AREA

Proposed Designation

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

LAKE VILLAGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lake Village Airport (latitude 33°-20'42" N., longitude 91°18'57" W.).

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Lake Village Airport, Ark.

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

Issued in Fort Worth, Tex., on February 28, 1973.

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

[FR Doc.73-4517 Filed 3-8-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 574]

[Docket No. 70-12; Notice 17]

TIRE IDENTIFICATION AND RECORD KEEPING

Universal Registration Form

This notice proposes an amendment to the Tire Identification and Record Keeping regulation, 49 CFR Part 574, that would establish a universal registration form for tire manufacturers, brand name owners, and retreaders to provide to their distributors and dealers for recording the name and address of the tire purchaser, the tire identification number, and the name and address of the seller of the tire. The portion of the Tire Identification and Record Keeping regulation that would be amended is § 574.7 as it appeared in the FEDERAL REGISTER of January 26, 1971 (36 FR 1198).

The regulation presently requires tire manufacturers, brand name owners, and retreaders to supply "a means" for recording the required information. This has apparently resulted in a multiplicity of different registration forms and procedures which tire dealers indicate represent a problem when the dealers sell tires manufactured by several different manufacturers or brand name owners. The variety of forms has caused confusion among dealers and often leads to the information being incorrectly recorded.

A meeting was held on November 11, 1971, to discuss among other things, the possibility of amending the regulation in order to establish a uniform format for recording the required information by the regulation. At the meeting most of those present did not object to a uniform format but some tire manufacturers said they needed a considerable amount of lead time if they had to change their existing systems. Some manufacturers indicated that it would be impracticable to require a specific form to be used in all cases, but that a common format would not create a difficult problem.

In order to relieve some of the confusion and errors created by the variety of forms being used, it is proposed that the regulation be changed to prescribe the size of the form to be used and the location of the required information. In addition, it is proposed that a copy of the reported information be provided to the first purchaser so that he will know that the information is being recorded. Finally, the proposed amendment to the regulation would make it clear that manufacturers, brand name owners or retreaders receiving other manufacturers' registration information must forward it to the proper manufacturer, brand name owner or retreader, or their designees, within 30 days.

One problem that may be created by a uniform size for the form is that dealers might have difficulty selecting the proper form for the tire being sold. Therefore, it is recommended that manufacturers voluntarily devise a system whereby individual manufacturers would be assigned a color code or other highly visible identification system for the forms.

In consideration of the foregoing, it is proposed that 49 CFR Part 574 be amended by adding a new Figure 3, and revising §§ 574.7 and 574.8 to read as follows:

§ 574.7 Information requirements—tire manufacturers, brand name owners, retreaders.

(a) Each tire manufacturer, brand name owner and retreader (hereinafter referred to in this section and § 574.8 as "tire manufacturer" unless specified otherwise) or his designee, shall provide to every distributor and dealer of his tires who offers these tires for sale or lease to tire purchasers forms similar to Figure 3 by which the distributor or dealer offering the tire for sale or lease to tire purchasers may record the following information in duplicate.

(1) Name and address of the tire purchaser;

(2) Tire identification number;

(3) Name and address of the tire seller or other means by which the manufacturer can identify the tire seller.

(b) Each tire manufacturer shall record and maintain, or have recorded and maintained for him, the information specified in paragraph (a) of this section and shall not use this information for any commercial purpose detrimental to tire distributors or dealers. Any tire manufacturer to whom forms are mistakenly sent shall forward the forms to the proper manufacturer within 30 days from receipt of the form;

(c) [Unchanged]

(d) [Unchanged]

§ 574.8 Information requirements—tire distributors and dealers.

(a) Each distributor and each dealer selling tires to tire purchasers shall record the information specified in § 574.7(a), give one copy of the information to the purchaser, and submit another copy of the information to the manufacturer of the tires sold or to the manufacturer's designee.

(b) [Unchanged]

(c) Each distributor and each dealer selling tires to other tire distributors and dealers shall supply to the tire distributor or dealer to whom he sells tires forms similar to Figure 3, to record in duplicate the information specified in § 574.7(a) unless such forms have been provided to that distributor or dealer by another person or by a manufacturer.

(d) [Unchanged]

Interested persons are invited to submit written data, views, and arguments concerning the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety

Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the comment closing date will also be considered by the Administration. However, the rule making action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 4, 1973.

Proposed effective date: Six months after issuance of the final rule.

This notice of proposed rule making is issued under the authority of sections 103, 112, 113, 119, and 201 of the National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1407, and 1421, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on March 1, 1973.

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

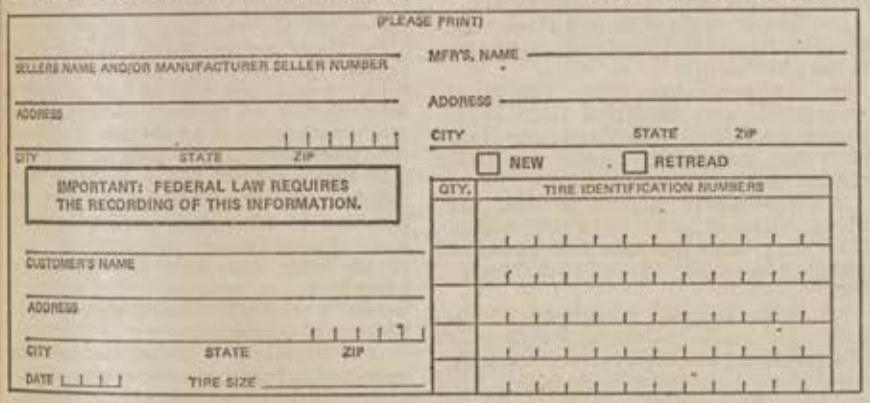

FIG. 3 — STANDARD FORM

[FR Doc.73-4445 Filed 3-8-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 35]

MEDICAL USES OF RADIOISOTOPES (BYPRODUCT MATERIAL)

User and Reporting Requirements

The Atomic Energy Commission has under consideration amendments to its regulations in 10 CFR Part 35, "Human Uses of Byproduct Material," to: (1) Change the title of the part to "Medical Uses of Radioisotopes (Byproduct Material)," (2) specify certain responsibilities of physicians authorized to use radioisotopes for medical uses, (3) specify certain activities that may be delegated by physicians to technicians and other paramedical personnel, (4) require physicians to determine that technicians and other paramedical personnel are properly trained to perform such activities, (5) require reporting to the Commission of misadministrations of radioisotopes or radiation therefrom, and (6) require notification to the patient or a responsible relative of the patient of the misadministration of radioisotopes or radiation therefrom which could adversely affect the patient.

The title of 10 CFR Part 35 would be changed by the proposed rule to "Medical Uses of Radioisotopes (Byproduct Material)" to make the title more meaningful to users of radioactive material. If this rule is finally adopted, amendments to conform to this new title will be made to this and other parts of the Commission's regulations pertaining to byproduct material.

In its licensing of the medical uses of radioisotopes pursuant to 10 CFR Part 35, the Commission requires that the responsible user be a physician licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine. Physicians are authorized to use radioisotopes by a condition of specific or general licenses issued by the Commission. One of the following three standard conditions is included in each specific license issued for medical use of radioisotopes:

1. "Byproduct material shall be used by (a named physician)." This condition is used in licenses to physicians in private practice.

2. "Byproduct material shall be used by, or under the supervision of (one or more named physicians)." This condition is used in licenses issued to medical institutions which have medical isotopes committees to review all proposals for uses of isotopes within the institution. The named physicians are those designated on the application for license as having appropriate nuclear medicine training and experience with isotopes. The phrase "or under the supervision of" provides a means whereby nonapproved physicians under the supervision of a physician named on the license may obtain basic and clinical radioisotope training and experience to enable them to qualify as authorized users.

3. "A. Byproduct material shall be used by, or under the supervision of, individuals designated by the (name of institution's isotopes committee).

"B. The use of byproduct material in or on humans shall be by a physician." This condition is used in licenses issued to medical institutions—usually medical schools—whose isotopes committees have set up appropriate administrative procedures, and training and experience criteria, for the committee to approve individual users. This condition also allows other physicians to obtain training and experience under the supervision of a physician designated by the committee as an authorized user.

It is recognized by the Commission that physicians utilize technicians and other paramedical personnel to perform some of the activities and manipulations involved in the medical uses of radioisotopes. In such instances, the physician is still considered to be the user of the radioisotopes. The Commission has developed with the assistance of its Advisory Committee on the Medical Uses of Isotopes a list of responsibilities which shall not be delegated by authorized physician users of radioisotopes—except to other physicians who are under the supervision of authorized physicians—and a list of activities that may be delegated by physicians to technicians and other paramedical personnel. The proposed new § 35.32 would codify these nondelegable responsibilities and permissible delegations in the Commission's regulations. Section 35.32 would also require physicians to determine that technicians and other paramedical personnel are properly trained to perform the activities which are delegated to them. Certification in nuclear medical technology by either the American Registry of Radiologic Technologists or the Registry of Medical Technologists would be deemed to satisfy the requirement for such proper training; however, the Commission does not consider it necessary to require paramedical personnel who only assist physicians with simple manipulations or in programs of limited scope to be fully trained and certified technologists.

Section 20.403 of 10 CFR Part 20 of the Commission's regulations requires licensees to notify the Commission of incidents involving the exposure of individuals to more than certain stated amounts of radiation, section 20.405(c) requires that any exposure of an individual to radiation which is required to be reported to the Commission shall also be reported to the individual. However, since § 20.107 of 10 CFR Part 20 provides that nothing in the regulations in that part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or medical therapy, notifications have not been required of incidents involving the exposure of patients to radiation if the patient were receiving any

intentional medical exposure. Although incidents involving medical exposures have not been required to be reported, 12 instances of misadministrations of radioactive materials involving 20 patients have been brought to the Commission's attention. Since these incidents have generally involved accidental or erroneous exposures of patients to radiation in amounts or forms other than intended, it does not appear appropriate to continue the past practice of not requiring reports of such misadministrations of radioactive materials to medical patients. The proposed new paragraphs (a) and (c) of § 35.33 would require licensees to report misadministrations of radiopharmaceuticals or radiation from byproduct material sources to the Commission. Paragraph (b) of § 35.33 would also require a notification to the patient or to a responsible relative of the patient of a misadministration which could cause a demonstrably adverse effect on the patient unless in the physician's professional judgment such notification would be contrary to the best interests of the patient or a surviving relative of the patient. (In accordance with the Freedom of Information Act and 10 CFR Part 9 of the Commission's rules and regulations, copies of reports filed under these proposed rules, except for any details which would identify the patient, will be available for public inspection.)

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 35 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Chief, Public Proceedings Staff by April 23, 1973. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. The title of 10 CFR Part 35 is amended to read as follows: "Medical uses of radioisotopes (byproduct material)."

2. A new § 35.32 is added to 10 CFR Part 35 to read as follows:

§ 35.32 Conditions of licenses for medical uses of radioisotopes.

(a) The user of radioisotopes in or applied to humans for diagnostic, therapeutic, or investigational purposes shall be a physician authorized by a condition of a general license or a specific license, including a specific license of broad scope, issued by the Commission (authorized physician).

(b) No authorized physician may delegate to persons who are not physicians under the supervision of the authorized physician, the following:

(1) The approval of procedures involving the administration to patients of radiopharmaceuticals or the application to patients of radiation from radioisotope sources,

(2) The prescription of the radiopharmaceutical or source of radiation and the dose or exposure to be administered,

(3) The determination of the route of administration,

(4) The interpretation of the results of diagnostic procedures in which radiopharmaceuticals are administered.

(c) Subject to the provisions of paragraphs (b), (d), (e), (f), and (g) of this section, an authorized physician may permit technicians and other paramedical personnel to perform the following activities:

(1) Preparation and quality control testing of radiopharmaceuticals and sources of radiation,

(2) Measurement of radiopharmaceutical doses prior to administration.

(3) Use of appropriate instrumentation for the collection of data to be used by the physician,

(4) Administration of radiopharmaceuticals and radiation from radioisotope sources to patients, within limits otherwise permitted under applicable Federal, State or local laws.

(d) Authorized physicians who permit activities to be performed by technicians and other paramedical personnel pursuant to paragraph (c) of this section shall:

(1) Prior to such permission, determine that such technicians and other paramedical personnel have been properly trained to perform their duties. This training shall include training in the following subjects, as applicable to the duties assigned:

(i) General characteristics of radiation and radioactive materials.

(ii) Physical, chemical, and pharmaceutical characteristics of each radiopharmaceutical to be used.

(iii) Mathematics and calculations basic to the use and measurement of radioactivity, including units of quantity of radioactivity (curies, millicuries, microcuries) and units of radiation dose and radiation exposure.

(iv) Use of radiation instrumentation for measurements and monitoring including operating procedures, calibration of instruments, and limitations of instruments.

(v) Principles and practices of radiation protection.

(vi) Additional training in the above subjects, as appropriate, when new duties are added.

(2) Assure that such technicians and other paramedical personnel receive appropriate retraining in the subjects listed in paragraph (d)(1) of this section to maintain proficiency and to keep abreast of developments in the field of nuclear medical technology.

(3) Keep records showing the bases for such determinations of proper training, and

(4) Retain responsibility as licensee or authorized user for the satisfactory performance of such activities.

(e) Certification in nuclear medicine technology by the American Registry of Radiologic Technologists or in nuclear medical technology by the Registry of Medical Technologists of the American Society of Clinical Pathologists will be deemed to satisfy the training requirements of paragraph (d) (1) and (2) of this section.

(f) An applicant for a license or for amendment or renewal of a license shall state whether he desires to permit technicians or other paramedical personnel to perform activities pursuant to paragraph (c) of this section and, if so, shall include in his application for license, license amendment, or license renewal a statement of the activities to be so performed and a description of an adequate program for training (including retraining as required to keep abreast of developments in technology) such personnel or for otherwise determining that such personnel are properly trained to perform their duties. With respect to licenses in effect on (effective date of rule), a licensee who is permitting or who desires to permit technicians or other paramedical personnel to perform activities pursuant to paragraph (c) of this section shall file the information required by this paragraph with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, with his next application for amendment or renewal of the license or within 1 year of (effective date of rule), whichever occurs first.

(g) Whenever a technician or other paramedical person administers a radiopharmaceutical to a patient by injection, a physician (not necessarily a physician authorized by the Commission to be a user of radioisotopes) shall be immediately accessible.

3. A new § 35.33 is added to 10 CFR Part 35 to read as follows:

§ 35.33 Notifications and reports of misadministrations.

(a) Each licensee shall notify the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix D of 10 CFR Part 20 of the Commission's regulations by telephone and telegraph of any misadministration of radiopharmaceuticals or any misadministration of radiation from teletherapy and brachytherapy sources. This notification shall be made within 24 hours after such misadministration is known. For the purpose of the requirements of this section, misadministration is defined to include the administration of:

(1) A radiopharmaceutical, or radiation from a source other than the one intended,

(2) A radiopharmaceutical or radiation to the wrong patient, or

(3) A dose of a radiopharmaceutical or exposure from a radiation source, outside of the intended dose range prescribed by the physician or by a route of administration other than that intended by the physician.

(b) (1) Whenever a misadministration of a radiopharmaceutical or radiation from a teletherapy or brachytherapy

source could cause a demonstrably adverse effect on the patient to whom it was administered, the licensee or the authorized physician shall promptly notify the patient or a responsible relative of the patient of the misadministration unless in the physician's professional judgment such notification would be contrary to the best interests of the patient or a surviving relative of the patient.

(2) If death occurs after a judgment is made by the physician that notification to the patient or a responsible relative of the patient of the misadministration would be contrary to the best interests of the patient and the misadministration may have been a contributory cause of the death, the licensee or the authorized physician shall notify a responsible relative of the patient of the misadministration unless the physician makes an additional determination that such notification would be contrary to the best interests of a surviving relative of the patient.

(c) In addition to the notification required by paragraph (a) of this section, each licensee shall make a report in writing within 30 days to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, with a copy to the Director of the appropriate Regulatory Operations Regional Office specified in Appendix D of 10 CFR Part 20, of each misadministration. The report required under this paragraph need not include the name of the patient but shall describe the nature, extent, and cause of the misadministration and the corrective steps taken or planned to assure against a recurrence. If the misadministration could cause a demonstrably adverse effect on the patient or if death occurs and the misadministration may have been a contributory cause of the death, the report shall either confirm that the patient or a responsible relative of the patient has been notified of the misadministration as required by paragraph (c) (1) and (2) of this section or shall state that notification was not given because in the physician's judgment such notification would be contrary to the best interests of the patient or a surviving relative of the patient. If the patient or relative is not notified, the physician shall confirm that this decision was reviewed by a local Ethics Committee or an equivalent group of peers and shall state whether or not the committee or group concurred with the decision.

(d) Any notification or report filed with the Commission pursuant to paragraphs (a) and (c) of this section shall be prepared so that any details which would identify the patient will be stated in a separate part of the notification or report.

(Secs. 81, 161, 68 Stat. 935, 948, as amended; 42 U.S.C. 2111, 2201)

Dated at Washington, D.C., this 28th day of February 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-4436 Filed 3-8-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-473; Order 415-C]

APPLICANTS' ENVIRONMENTAL REPORTS

Proposed Preparation Guidelines

MARCH 2, 1973.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend Part 2 of its general rules by adding guidelines for preparation of applicants' environmental reports pursuant to Order No. 415-C. On December 18, 1972, the Commission issued Order No. 415-C (37 FR 28412, Dec. 23, 1972), further prescribing regulations for the implementation of the National Environmental Policy Act of 1969 (83 Stat. 852) (NEPA), and amending §§ 2.80, 2.81 and 2.82 of the general rules (18 CFR 2.80-2.82), § 4.41 of the regulations under the Federal Power Act (18 CFR 4.41), and §§ 157.7 and 157.14(a) of the regulations under the Natural Gas Act (18 CFR 157.7 and 157.14(a)).

The current energy situation has spotlighted the need for speedy and creative solution of environmental problems in the sectors of the energy industry regulated by the Federal Power Commission. The Commission wishes to provide as much guidance as possible to those filing applications under the procedures promulgated in Order No. 415-C. These guidelines are proposed to be added in the form of Appendices to Part 2 of Title 18 CFR to supplement §§ 2.81(a) and 2.82 (a). Amendments are also proposed for §§ 2.81(a) and 2.82(a) in order to add the appropriate cross references to the new guidelines.

The guidelines seek to identify information to be supplied by applicants, to provide a basis for the preparation of an environmental report prepared pursuant to §§ 2.81(a) and 2.82(a) of the Commission Regulations, and to provide an insight into the scope of environmental reports required to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment. The guidelines will also assist the Commission's staff in assessing deficiencies in applicant's environmental reports in cases which involve major Federal actions.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426 not later than April 12, 1973, data, views, comments, or suggestions in writing concerning all or part of 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. 20426, during regular business hours. 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 at the Federal Power Commission to discuss the proposed revision. The Commission will consider all such written submittals and responses before issuing an order in this proceeding. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 2 of the Commission's general rules would be issued under the authority granted the Federal Power Commission under the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311, and 312 (41 Stat. 1065, 1066, 1068, 1070; 46 Stat. 798; 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860; 61 Stat. 501; 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717o), and the National Environmental Policy Act of 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854).

Accordingly, it is proposed to amend Part 2, General Policy and Interpretations, in Subchapter A—General Rules, Chapter 1, Title 18 of the Code of Federal Regulations as follows:

(1) Amend § 2.81(a) so that it will read:

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) All applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, shall be accompanied by exhibit W, the applicant's detailed report of environmental factors specified in §§ 2.80, 4.41, and Appendix A of Part 2 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of environmental factors specified in § 2.80 and Appendix A. Notice of all such applications shall continue to be made as prescribed by law.

* * * * *

(2) Amend § 2.82(a) so that it will read:

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) All certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) for construction of pipeline facilities, except abbreviated applications filed pursuant to § 157.7(b), (c), and (d) of this chapter and producer applications for the sale of gas filed pursuant to §§ 157.23-29 of this chapter, shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80 and Appendix B. Notice of all such applications shall continue to be made as prescribed by law.

* * * * *

(3) Append to 18 CFR Part 2 Guidelines for Preparation of Environmental Reports as follows:

APPENDIX A

GUIDELINES FOR THE PREPARATION OF APPLICANTS' DETAILED REPORTS OF ENVIRONMENTAL FACTORS ON ACTIONS UNDER THE FEDERAL POWER ACT

These guidelines:

Identify information to be supplied by applicants to assist Federal Power Commission staff in an independent assessment of major Federal actions significantly affecting the quality of the human environment;

Pertain to actions under the Commission's Order 415–C (issued Dec. 18, 1972) amending §§ 2.80–2.82, Title 18, Code of Federal Regulations;

Provide the basis for the preparation of an environmental report (or exhibit W) being prepared pursuant to § 2.81(a) by applicants for hydroelectric and related developments under the jurisdiction of the Commission, and

Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

Consult with the appropriate Federal, regional, State and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;

Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. This analysis of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;

Utilize a sufficiently imaginative, comprehensive, interdisciplinary approach—utilizing a broad physical, biological, and social overview—during the development of the plans for a project; and

Prepare an environmental report for any proposed action that would be a major Federal action significantly affecting the quality of the human environment. The environmental report should contain information and analyses, to the extent appropriate to the proposed action. For proposed actions that are assumed not to be major Federal actions significantly affecting the quality of the human environment, applicants may file abbreviated reports with only sufficient detail to demonstrate that assumption. Applicants may confer with staff prior to submission of an application for guidance as to whether or not a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for action. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. Upon review of the applicant's environmental report, staff may request additional information. It is important to recognize that there is some redundancy in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information.

ENVIRONMENTAL REPORT FORMAT

1. *Description of proposed action.* Describe fully the action under application, including:

1.1 *Purpose.* Describe the primary purpose of the proposed action and such secondary purposes as water supply, navigation, flood control, low flow augmentation, recreation, fish, and wildlife. Describe how these purposes, both primary and secondary, fit into existing and future utility systems or aid in meeting system reliability or regional and national needs. List the increases in productivity and values for each purpose described, e.g., power capacity in kw. and generation in kw.-hr./year, navigation in tonnage, recreation in visitor days, water use in cfs and AF.

1.2 *Location.* Describe the location of the action and its relationship to other similar programs or developments in the same river basin. Locate the proposed action with respect to State boundaries, counties and major cities and, if necessary, by more specific geographical identification such as township and range; provide a map or maps of the area and such other graphic materials as are needed to locate the action.

1.3 *Proposed facilities.* Provide dimensions where pertinent:

1.3.1 *Project works.* Describe and locate on functional drawings the project works proposed for construction, including dams, dikes, reservoirs, spillways, powerhouses, switchyards, and transmission facilities, water intakes and outlets and conduits, navigation works, visitor centers and other public use facilities, fish ladders, fish hatcheries, and fish protective facilities. Provide dimensions, elevations, data on geological foundations, and other technical data as necessary to give functional design characteristics for safety and adequacy.

1.3.2 *Reservoir.* Describe the reservoir and its outlet works giving dimensions in capacity, area, depth; thermal stratification if present or anticipated; mixing actions or flow-through of inflowing waters as related to water densities; and locate any water intake structures in relation to the occurrence of a reservoir thermocline.

1.3.3 *Tailwater features.* Locate the center line of the turbine or pump runners at maximum and minimum tailwater elevations with a description, using a profile drawing, of any tailrace excavations related to these elevations.

1.3.4 *Transmission facilities.* Describe any transmission lines, rights-of-way, and substations not considered a part of the action under application but a necessary adjunct thereto.

1.4 *Land requirements.* Locate and indicate the area and use of lands to be used by the proposed action and any measures, other than construction procedures, involved in its use, including clearing, borrow and spoil areas, rip-rap, settling ponds or basins, development of roads, recreation and wildlife management programs, drilling of wells for water supply or aquifer recharge, and reserving project lands for future uses. Describe the length and width of all existing, joint, or new rights-of-way required by the proposed action and any land treatment programs proposed thereon, including activities on adjacent lands.

1.5 *Construction procedures.* Describe procedures to be taken prior to or during construction of project works such as the relocation of homes and commercial and industrial facilities, clearing, preparation of any diversion works, surveying, land acquisition, and environmental planning. List any special measures to be taken in these procedures to protect property and environmental values. Provide a schedule of construction of major project works and how this will meet future power needs and avoid such limiting factors as floods, severe climatic conditions, or migrations of fish. Include schedules for needed relocations of transportation and other public facilities and methods of maintaining service during these relocations, and for development of public use facilities.

1.6 *Operational procedures.* Describe the proposed operational modes and how these will provide for protection of natural resources and values. Show how the water resources of the area are to be utilized (provide usable reservoir storage capacities for respective purposes, area-capacity curves, hydrology data, drawdowns, and flow duration curves applicable to project operation during dry, average, and wet years). Include a discussion of the quantity and quality of water flows as they enter, pass through the project, and are released to maintain the downstream aquatic habitat; and of any diversions of water for other uses including municipal or industrial uses, or fish ladders or hatcheries.

Describe circulation of waters as related to the location of water intake structures and the occurrence of a reservoir thermocline. For pumped storage projects describe the weekly and seasonal exchanges of waters between upper and lower reservoirs and the water currents and temperature changes produced by this pseudotidal action.

Include also a discussion of any pollutants (and their sources) which would be discharged as a result of the proposed action. Describe measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence).

1.7 *Maintenance.* Describe maintenance of proposed project works under normal conditions; include types of expected maintenance, anticipated maintenance problems, how system or area needs will be met during shutdown for maintenance, and standard procedures for protecting environmental values during maintenance work. Describe capacity of project works to withstand both usual and unusual, but possible, natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides) and provide estimates of probability of occurrence; describe any related geological or structural problems, and measures to be taken to minimize problems arising from malfunctions and accidents.

1.8 *Health and safety measures.* Describe measures to be taken for protecting the health and welfare of workers and the public at the project during its construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid waste disposal facilities for workers and the public during construction and operation.

1.9 *Future plans.* Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

2. *Description of the existing environment.* Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed action; include pertinent topics.

2.1 *Land Features and uses.* Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.* Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and air traffic patterns; locate transmission facilities and their placement (underground, surface, or overhead); identify water resources.

2.1.2 *Topography, physiography, and geology.* Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Include U.S. Geographical Survey Topo-

graphic Maps, aerial photographs (if available), and other such graphic material.

2.1.3 *Soils.* Describe the physical characteristics and chemical composition of the soils, including the relationship of these to land slope.

2.1.4 *Geological hazards.* Indicate the potential occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.* Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 *Species.* List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.* Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data is not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.* Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action.

2.3 *Socioeconomic considerations.* If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, businesses, and industries that will be directly affected and those requiring relocation if the proposed action occurs.

2.4 *Air and water environment.* Describe the prevailing climate and the quality and quantity of the air and water resources of the area.

2.4.1. *Climate.* Describe the historic climatic conditions that prevail in the vicinity of the proposed action: Extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.* Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 *Air, noise, and water quality.* Provide data on the existing quality of the air and water (indicate the distance(s) from the proposed action site to monitoring stations) and the mean and maxmium noise levels at the site boundaries.

2.5 *Unique features.* Identify unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3 *Environmental impact of the proposed action.* Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impact caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed action.[1] Assess the overall relationships between the environment and the proposed action as the total impact of obtaining and using the resources necessary for the proposed action.

3.1 *Construction* — 3.1.1 *Land features and uses.* Assess the impact on present or future land use, including commercial use, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restrictions on land use due to construction activities. State the effect of construction related activities upon local traffic patterns, including roads, highways, ship channels, and air patterns.

3.1.2 *Species and ecosystems.* Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and the potential loss of an endangered species.

3.1.3 *Socio-economic considerations.* Discuss the effect on local socio-economic development in relation to labor, housing, local industry, and public services. Discuss the need for potential relocations. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and State governments; growth in local tax base from new business and housing development and payrolls). Describe the adverse impact on human elements, including the need for increased public services (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities and uses in the proposed project area, including any changes which will occur in recreational use and potential of the local area or region due to the proposed action; provisions for public access to and use of project lands and waters, including the impacts, these uses will have on the area; project lands reserved for future recreation development and the types of facilities which will be or which may need to be provided thereon and how the incremental uses of these lands will affect the area, including the effects of any increased recreational use on the land and water resources and on the public service facilities which presently exist or which would need to be developed to provide for public needs. Discuss the impact of the proposed action on national and local historic and archeological sites, any existing scenic, cultural and other similar values;

3.1.4 *Air and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality and whether regulatory standards in effect for the area will be complied with.

3.1.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, and construction materials.

3.2 Operation and maintenance—3.2.1 *Land features and uses.* Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation related activities upon local traffic patterns including roads, highways, ship channels, and air patterns, and the possible need of new facilities.

3.2.2 *Species and ecosystems.* Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animals species having economic or aesthetic value to man that would be affected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and, describe any ecosystem imbalances caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species.

3.2.3 *Socio-economic considerations.* Discuss the effect on the local socio-economic development in relation to labor, housing, relocation, local industry, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and state governments, growth in local tax base from new business and housing developments, and payrolls). Describe adverse impacts on human elements, including the need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 *Air and water environment.* Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise quality due to resultant noise levels. Assess the impact on present water quality due to reservoir operation, downstream water releases, power peaking operations, location of outlet works, and sanitary, waste, and process effluents. Indicate compliance with all regulatory standards in effect for the area.

3.2.5 *Solid wastes.* Describe the types and volumes of all solid wastes and by-products that will be produced and what methods would be used to dispose of these substances. Indicate compliance with regulatory standards in effect for the area.

3.2.6 *Operational resources.* Assess the impact of obtaining and using the resources necessary for operational uses.

3.2.7 *Maintenance.* Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way. Estimate the impact of possible major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 *Accidents and catastrophes.* Assess the potential for, and the nature of, accidents and natural catastrophes, the degree of engineering integrity associated with the proposed action, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 *Termination and abandonment.* Describe the possibility of, or plans for, the termination and/or abandonment of the proj-

[1] Changes in the environment throughout the sphere of influence of proposed action. Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

ect. Discuss the impact on land use and aesthetics.

4. *Measures to enhance the environment or to avoid or mitigate adverse environmental effects.* Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under Part 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, trade-offs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 *Preventative measures and monitoring.* Discuss provisions for pre- and post-monitoring of the proposed action, including programs for monitoring changes in operational phases. Describe measures for detecting and modifying noise levels, monitoring water quality, e.g. dissolved oxygen and nitrogen concentrations, and air quality, for inventorying key species in food chains, and for detecting induced changes in the weather. Describe all health and safety procedures, including equipment, training, and procedures, including vector control, to be used in the area of the proposed action. List measures to be taken to protect workers and the public from hazards of construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent significant environmental impacts and plans for implementation of process changes whenever possible to reduce environmental impact.

4.2 *Environmental restoration and enhancement.* Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values; describe measures to facilitate animal migrations and movements to protect their life processes (e.g., spawning of fish); describe programs for landscaping including selective clearing, floral feathering of the edges of timbered rights-of-way, and other horticultural practices; describe selection and use of any chemicals needed during construction, operation, and maintenance so as to prevent their entry into waters in the area; discuss programs to assist displaced families and businesses in their relocations; describe provisions for public access to, and use of, lands and waters in the area of the proposed action; and discuss the preparation of lands prior to and following their use.

5. *Unavoidable adverse environmental effects.* Indicate those human and natural resources and values which will sustain significant, unavoidable adverse effects, and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on human health and safety, aesthetic, and culture values and standards of living which will be sacrificed or endangered. Where possible, provide quantitative evaluations of these effects.

5.1 *Uses preempted and unavoidable changes.* Discuss all significant, unavoidable environmental impacts on the land and its present use, caused by inundation, clearing, excavation, and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and man-made facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.2 *Loss of environmental quality.* Discuss any significant, unavoidable adverse changes in the air, including dust and emissions to the air, and noise quality; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses; effects on man and his health, safety, and well-being, including his displacement by the proposed action and its social, economic, and aesthetic implications.

6 *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Compare the benefits to be derived from the immediate or short-time use of the environment, with and without the proposed action, and the long-term consequences of the proposed action.[3] Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis, to assure that short-sighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 *Short-term uses.* Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 *Long-term productivity.* Discuss any cumulative long-term effects which may be caused by the proposed action in terms of land use, alterations to the ecosystem, use of resources, and public health and safety.

7 *Irreversible and irretrievable commitments of resources.* Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 *Land features and uses.* Discuss any permanent changes in land features and/or land use.

7.2 *Endangered species and ecosystems.* Assess the possibility of eliminating any endangered species or the loss of an ecosystem.

7.3 *Socio-economic considerations.* Discuss probable indirect actions (e.g., highway systems, wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would be triggered and irrevocably commit other resources under our free enterprise system. Identify the destruction of any historical, archeological, or scenic areas.

7.4 *Loss of environmental quality.* Discuss possible irrevocable impacts, as in actions which affect resources indirectly, foreclosing their usage within present state-of-the-art methods.

7.5 *Resources lost or uses preempted.* Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment and whether the proposed action could be reversed if future environmental effects prove too serious.

7.6 *Finite resources.* Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as gas, naphtha, coal, oil, and construction materials.

8. *Alternatives to the proposed action.* Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be included, even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant. Modification of the proposed action may be among the alternatives.

8.1 *Scope of alternatives.* Discuss appropriate alternatives for accomplishing the objective of the proposed action; the impact of these alternatives and the reason(s) why each is not now proposed. If the proposed action has significant timeliness, compare this feature with that of other alternatives, including the scale of possibilities.

8.2 *Energy sources.* Discuss the potential for substitution of alternative energy supplies, including energy conservation and other sources of natural or artificial gas, oil, coal, and nuclear fueled powerplants; and conventional or pumped storage hydroelectric plants. Provide an analysis of economic and ecological benefits and costs.

8.3 *Sites and locations.* Discuss considerations given to alternative proposed sites and locations. Include a description of each site, environmental factors of each site, the final reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.4 *Designs, processes, and operations.* Describe alternative facility designs, processes, and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.5 *No action.* Discuss the alternative of no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and provide an analysis of ecological and economic benefits and costs.

9 *Permits and compliance with other regulations and codes*—9.1 *Permits.* Identify all necessary Federal, regional, State and local permits, licenses, and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 *Authorities consulted.* List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 *Dates of approval.* Give dates of consultations and of issuance thereof.

9.2 *Compliance with health and safety regulations and codes.* Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also

[3] *Duration of Impacts*—Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity related to an effect that remains many years (sometimes permanently) after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 *Compliance with other regulations and codes.* Identify all other Federal, regional, State, and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

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9.3.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

10 *Sources of information*—10.1 *Public hearings.* Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings.

10.2 *Other sources.* Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 *Meetings with governmental and other entities.* List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, esthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meeting.

10.2.2 *Studies conducted.* Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 *Consultants.* Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 *References consulted.* Provide a full citation of books, other publications, reports, documents, and maps and aerial photographs consulted for background information, including county land use and other planning reports.

10.2.5 *Bibliography.* Indicate with an asterisk those references cited in Section 10.2.4 which were used in the preparation of the detailed environmental report.

10.3 *Provide copies of supportive reports.* Supply copies of all technical reports prepared in conjunction with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

APPENDIX B

GUIDELINES FOR THE PREPARATION OF APPLICANTS' DETAILED REPORT OF ENVIRONMENTAL FACTORS ON ACTIONS UNDER THE NATURAL GAS ACT

These guidelines:

Identify information to be supplied by applicants to assist Federal Power Commission staff in independent assessments of major Federal actions significantly affecting the quality of the human environment;

Pertain to actions under the Commission's Order 415-C (issued Dec. 18, 1972) amending §§ 2.80–2.82, Title 18, Code of Federal Regulations;

Provide the basis for the preparation of environmental reports being prepared pursuant to § 2.82(a) by applicants for the construction of pipeline facilities under the jurisdiction of the Commission, and

Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

Consult with the appropriate Federal, regional, State and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;

Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. This analysis of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;

Utilize a sufficiently imaginative, comprehensive, interdisplinary approach—utilizing a broad physical, biological, and social overview—during the development of the plans for a project; and

Prepare an environmental report for any proposed action that would be a major Federal action significantly affecting the quality of the human environment. The environmental report should contain information and analyses, to the extent appropriate to the proposed action. For proposed actions that are assumed not to be major Federal actions significantly affecting the quality of the human environment, applicants may file abbreviated reports with only sufficient detail to demonstrate that assumption. Applicants may confer with staff prior to submission of an application for guidance as to whether or not a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for action. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. Upon review of the applicant's environmental report, staff may request additional information. It is important to recognize that there is some redundancy in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information.

EVIRONMENTAL REPORT FORMAT

1 *Description of proposed action.* Describe fully the proposed action under application, including:

1.1 *Purpose.* Describe the primary purpose of the proposed facilities (onshore/offshore pipelines, LNG, gas storage fields, SNG, and others) and how the proposed action fits into Federal, regional, State, and local energy demand and supply requirements.

1.2 *Location.* Identfy site(s) including all existing natural gas pipelines in the general vicinity of the proposed action; locate with respect to State boundaries, counties and major cities; and illustrate with a suitable general location map(s).

1.3 *Proposed facilities.*—1.3.1 *Plant/ operational facilities.* Identify all plant and/or operation unit(s) to be constructed, such as compressors, unloading and storage facilities, liquefaction/gasification facilities, and meters. Provide plan, elevation, and perspective views of all plant facilities.

1.3.2 *Pipeline facilities.* Describe the length and size of all transmission, lateral, looping, and gathering pipelines to be constructed, the method(s) of pipeline construction to be used (such as the push method, flotation method, Bay method, and barge laying).

1.4 *Land Requirements.* Indicate the length and width and location of all existing, joint, or new right of way required by the proposed action; identify the size of each proposed plant and/or operational site; designate what portion of the land at the operation site which will remain unaffected by construction and operation; and identify auxiliary construction activities on adjacent land.

1.5 *Construction Procedures.* Describe procedures to be taken prior to or during construction of proposed action such as the relocation of homes and commercial or industrial facilities, clearing, surveying, land acquisition, and environmental planning. List any special measures to be taken in these procedures to protect property and environmental values. Provide a schedule of construction of major facilities and how this will meet future energy needs and avoid such limiting factors as floods, ground slides, or severe climatic conditions. Include schedules for needed relocations of transportation and other public facilities and methods of maintaining service during these relocations, and for development of public facilities.

1.6 *Operational Procedures.* Describe fully the technical and operational considerations of the proposed action, including details of the process, catalyst involved, design, mass, heat and energy balances, flow diagrams, water purification treatment and facilities, waste product disposal facilities, and days and hours of operation.

1.7 *Maintenance.* Describe maintenance under normal conditions; include types of expected maintenance, anticipated maintenance problems, and how system or area needs will be met during shut down for maintenance.

1.8 *Health and safety measures.* Describe measures to be taken for protecting the health and welfare of workers and the public at the site of the proposed action during construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid waste disposal facilities for workers and the public during construction and operation.

1.9 *Future plans.* Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

2. *Description of the existing environment.* Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed action; include pertinent topics.

2.1 *Land features and uses.* Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.* Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and air traffic patterns; locate transmission facilities and their placement (underground, surface, or overhead); identify water resources.

2.1.2 *Topography, physiography, and geology.* Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Include U.S. Geological Survey Topographic Maps, aerial photographs (if available), and other such graphic material.

2.1.3 *Soils.* Describe the physical characteristics and chemical composition of the soils, including the relationship of these to land slope.

2.1.4 *Geological hazards.* Indicate the potential occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.* Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 *Species.* List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.* Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data is not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.* Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action.

2.3 *Socioeconomic considerations.* If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, businesses, and industries that will be directly affected and those requiring relocation if the proposed action occurs.

2.4 *Air and water environment.* Describe the prevailing climate and the quality and quantity of the air and water resources of the area.

2.4.1 *Climate.* Describe the historic climatic conditions that prevail in the vicinity of the proposed action; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.* Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3. *Air, noise, and water quality.* Provide data on the existing quality of the air and water (indicate the distance(s) from the proposed action site to monitoring stations) and the mean and maximum noise levels at the site boundaries.

2.5 *Unique features.* Identify unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. *Environmental impact of the proposed action.* Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impact caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed action.[1] Assess the overall relationships between the environment and the proposed action as the total impact of obtaining and using the resources necessary for the proposed action.

3.1 *Construction*—3.1.1 *Land features and uses.* Assess the impact on present or future land use, including commercial use, recreational areas, public health and safety, and the esthetic value of the land and its features. Describe any temporary restrictions on land use due to construction activities. State the effect of construction related activities upon local traffic patterns, including roads, highways, ship channels, and air patterns.

3.1.2 *Species and ecosystems.*—Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem, and the potential loss of an endangered species.

3.1.3 *Socioeconomic considerations.*—Discuss the effect on local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for potential relocations. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and state governments, growth in local tax base from new business and housing development and payrolls). Describe the adverse impact on human elements, including the need for increased public services (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities).

3.1.4 *Air and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality and whether regulatory standards in effect for the area will be complied with.

3.1.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, construction materials, and hydrostatic test water.

3.2 Operation and maintenance—3.2.1 *Land features and uses.* Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation related activities upon local traffic patterns including roads, highways, ship channels, and air patterns, and the possible need of new facilities.

3.2.2 *Species and ecosystems.* Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animals species having economic or aesthetic value to man that would be affected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and, describe any ecosystem imbalances caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species.

3.2.3 *Socioeconomic considerations.* Discuss the effect on the local socioeconomic development in relation to labor, housing, relocation, local industry, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing developments, and payrolls). Describe adverse impacts on human elements, including the need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 *Air and water environment.* Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise quality due to resultant noise levels. Assess the impact on present water quality due to cooling or heating system discharges, process effluents, sanitary and waste effluents, water use for hydrostatic testing, and water use for other operational units. Indicate compliance with all regulatory standards in effect for the area.

3.2.5 *Solid wastes.* Describe the types and volumes of all solid wastes and byproducts that will be produced and what methods would be used to dispose of these substances. Indicate compliance with regulatory standards in effect for the area.

3.2.6 *Operation resources.* Assess the impact of obtaining and using the resources necessary for operational processes; e.g., water (human needs and processes), energy requirements, raw products, and specialized needs.

3.2.7 *Maintenance.* Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way and hydrostatic testing and shutdowns. Estimate the impact of possible major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 *Accidents and catastrophes.* Assess the potential for, and nature of, accidents and natural catastrophes, the degree of engineering integrity associated with the proposed action, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 *Termination and abandonment.* Describe the possibility of, or plans for, the termination and/or abandonment of the project. Discuss the impact on land use and esthetics.

4. *Measures to enhance the environment or to avoid or mitigate adverse environmental effects.* Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under Part 3, above, including engineering planning

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[1] Changes in the Environment Throughout the Sphere of Influence of Proposed Action. Direct and indirect effects are those effects which can be discerned as occuring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, trade-offs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 *Preventative measures and monitoring.* Discuss provisions for pre- and post-monitoring of the proposed action, including programs for monitoring changes in operational phases. Describe measures for detecting and modifying noise levels, monitoring water quality, e.g., dissolved oxygen and nitrogen concentrations, and air quality, for inventorying key species in food chains, and for detecting induced changes in the weather. Describe all health and safety procedures, including equipment, training, and procedures, including vector control, to be used in the area of the proposed action. List measures to be taken to protect workers and the public from hazards of construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.). Identify standard procedures for protecting service and environmental values during maintenance and breakdowns. Discuss proposed and alterative construction timetables to prevent significant environmental impacts and plans for implementation of process changes whenever possible to reduce environmental impact.

4.2 *Environmental restoration and enhancement.* Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values, describe measures to facilitate animal migrations and movements and to protect their life processes; describe programs for landscaping, including selective clearing, floral feathering of the edges of timbered rights-of-way and other horticultural practices; discuss programs to assist displaced families and businesses in their relocations; and describe provisions for public access to, and use of, lands and waters in the area of the proposed action.

5 *Unavoidable adverse environmental effects.* Indicate those human and natural resources and values which will sustain significant, unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on human health and safety, esthetic, and culture values and standards of living which will be sacrificed or endangered. Where possible, provide quantitative evaluations of these effects.

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5.2 *Loss of environmental quality.* Discuss any significant unavoidable adverse changes in the air, including dust and emissions to the air, and noise quality; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses; effects on man and his health, safety, and well-being, including his displacement by the action and its social, economic, and esthetic implications.

6. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Compare the benefits to be derived from the immediate or short-time use of the environment, with and without the proposed action, and the long-term consequences of the proposed action.[2] Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis, to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 *Short-term uses.* Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 *Long-term productivity.* Discuss any cumulative long-term effects which may be caused by the proposed action in terms of land use, alterations to the ecosystem, use of resources, and public health and safety.

7. *Irreversible and irretrievable commitments of resources.* Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 *Land features and uses.* Discuss any permanent changes in land features and/or land use.

7.2 *Endangered species and ecosystems.* Assess the possibility of eliminating any endangered species or the loss of an ecosystem.

7.3 *Socioeconomic considerations.* Discuss probable indirect actions (e.g., highway systems, wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would be triggered and irrevocably commit other resources under our free enterprise system. Identify the destuction of any historical, archeological, or scenic areas.

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7.5 *Resources lost or uses preempted.* Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment and whether the proposed action could be reversed if future environmental effects prove too serious.

7.6 *Finite resources.* Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as gas, naphtha, coal, oil, and construction materials.

8 *Alternatives to the proposed action.* Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be included, even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant. Modification of the proposed action may be among the alternatives.

8.1 *Scope of alternatives.* Discuss appropriate alternatives for accomplishing the objective of the proposed action; the impact of these alternatives and the reason(s) why each is not now proposed. If the proposed action has significant timeliness, compare this feature with that of other alternatives, including the scale of possibilities.

8.2 *Energy sources.* Discuss the potential for substitution of alternative energy supplies, including energy conservation and other sources of natural or artificial gas; oil, coal, and nuclear fueled powerplants; and conventional or pumped storage hydroelectric plants. Provide an analysis of economic and ecological benefits and costs.

8.3 *Sites and locations.* Discuss considerations given to alternative proposed sites and locations. Include a description of each site, environmental factors of each site, the final reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.4 *Designs, processes, and operations.* Describe alternative facility designs, processes, and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.5 *No action.* Discuss the alternative of no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and protric plants. Provide an analysis of economic benefits and costs.

9 *Permits and compliance with other regulations and codes*—9.1 *Permits.* Identify all necessary Federal, regional, State, and local permits, licenses, and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 *Authorities consulted.* List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 *Dates of approval.* Give dates of consultations and issuance thereof.

9.2 *Compliance with health and safety regulations and codes.* Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 *Compliance with other regulations and codes.* Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

9.3.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

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[2] *Duration of impacts.* Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity relates to an effect that remains many years (sometimes permanently) after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

9.3.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.4 *Special cases*—9.4.1 *Liquefied natural gas facilities.* Provide detailed design specifications for all facilities to be used for the liquefaction, transport, storage and regasification of liquefied natural gas. Provide information on the flammability and flame resistance of all tank lining and insulation materials. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and any revisions thereto including the Department of Transportation Regulations issued by the Office of Pipeline Safety as Amendment 192–10 (Liquefied Natural Gas Systems) to Part 192, "Transportation of Natural and other Gas by Pipeline: Minimum Federal Safety Standards" and by the U.S. Coast Guard as 33 CFR 6.14–1 (safety measures for waterfront facilities and vessels in port), 33 CFR 124.14 (notice in advance of arrival of a vessel laden with a dangerous cargo), 33 CFR Part 126 (permits for handling of dangerous cargoes within or contiguous to waterfront facilities), and 46 CFR Subchapter D (regulations governing tank vessels). Describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

9.4.2 *Ancillary facilities.* Provide detailed design specifications for all ancillary facilities, owned and operated either by applicant or other parties, which will be constructed or operated in relation to the proposed project, such as processing plants and docking facilities. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

10. *Sources of information*—10.1 *Public hearings.* Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponements to those in dissent, and include any public records resulting from these meetings.

10.2 *Other sources.* Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 *Meetings with governmental and other entities.* List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental, and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, economic development, etc.), and any environmental conclusions reached as a result of the meeting.

10.2.2 *Studies conducted.* Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 *Consultants.* Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 *References consulted.* Provide a full citation of books, other publications, reports, documents, and maps and aerial photographs consulted for background information, including county land use and other planning reports.

10.2.5 *Bibliography.* Indicate with an asterisk those references cited in section 10.2.4 which were used in the preparation of the detailed environmental report.

10.3 *Provide copies of supportive reports.* Supply copies of all technical reports prepared in conjunction with the preparation of the environmental report, such as plume dispersion models, temperature dispersion models, and benthic sampling studies.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4536 Filed 3-8-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1036]

[Ex Parte No. 252 (Sub-No. 1)]

BOXCARS

Incentive Per Diem Charges

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of March 1973.

It appearing, that by order of the Commission, dated December 15, 1967, this rule making proceeding was instituted for the purpose of implementing those provisions of the law relating to the Commission's authority to encourage the acquisition and maintenance of an adequate car supply as specified in Public Law 89–430, which, effective May 26, 1966, amended section 1(14)(a) of the Interstate Commerce Act;

And it further appearing, that pursuant to the prior reports and orders of the Commission appearing at 337 ICC 183 and 337 ICC 217, the Commission promulgated certain regulations, which regulations now appear as Part 1036, Incentive Per Diem Charges on Boxcars, of Chapter X of Title 49 of the Code of Federal Regulations, and that § 1036.5 provides that, "The rules set forth in §§ 1036.1 and 1036.2 shall be effective from September of each year through February of the following year.";

And it further appearing, that based upon statistics supplied by the Association of American Railroads, as summarized in the chart attached as Appendix A, the weekly plain boxcar shortages beginning from the week ending July 1 has persisted through the week ending February 17, and that based on statistics also supplied by the Association of American Railroads, the number of plain boxcars installed new and rebuilt has continued to decline, while the number retired during the 5-year period, 1968–72 has increased, as shown in the chart attached as Appendix B;

And it further appearing, that these statistics demonstrate that the Nation is facing an increasingly critical plain boxcar shortage, which shortage has escalated drastically during the last 8 months to the point where it is now greater than at any other time in the history of the Commission, that the car supply crisis has been occasioned primarily by the unprecedented demand for movement of grain brought about by the Russian wheat sale agreement, that despite the existence of funds earmarked for the purchase, building or rebuilding of unequipped boxcars, the railroads, during the last 4 years, have retired more than three times as many plain boxcars as they have installed or rebuilt, and that the seasonal abatement in the shortage which normally occurs after February is not in evidence and, on the contrary, the demand for equipment is greater than at any time during the past six months;

And it further appearing, that, under § 1036.5 of the Commission's regulations, as presently constituted, the incentive per diem charges prescribed by §§ 1036.1 and 1036.2 of said regulations have ceased to be operative since February 28, 1973, and will continue to be inoperative until September 1, 1973; and that § 1036.5 as now constituted makes the collecting of incentive per diem charges mandatory only during 6 months of the year; and that at present there is a continuous shortage of cars throughout the year;

And it further appearing, that in order to encourage the acquisition and maintenance of a car supply adequate to meet the needs of commerce and the national defense and to contribute to sound car service practices, including efficient utilization and distribution of cars, it is necessary for the above described incentive per diem charges to be made effective throughout the year, until such time as the Commission determines the present inadequacy in the boxcar supply has been sufficiently abated;

And it further appearing, that for the above-stated reasons, the Commission has tentatively concluded that § 1036.5 should be amended by deleting the words "from September 1 of each year through February of the following year" and substituting therefor the words "until further order of the Commission";

And it further appearing, that due to the increasing car supply shortage and the fact that, as above noted, as of February 28, 1973, no further incentive

per diem charges will be collected until after September 1, 1973, good cause exists for making the proposed amendment effective in less than 30 days from the date of its publication in the FEDERAL REGISTER:

It is ordered, That verified statements of fact, briefs, and statements of position respecting the proposed amendment described above are hereby invited to be submitted on or before March 23, 1973, by any interested person whether or not such person is already a party to this proceeding.

It is further ordered, That any party requesting oral hearing shall set forth with specificity the need therefor and the evidence to be adduced.

And it is further ordered, That a copy of this order be served upon each respondent, all other parties, each public utility commission or board or similar regulatory body of each State, the Secretary of the Department of Transportation, the Association of American Railroads—Car Service Division, and the American Short Line Railroad Association; that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order and of the appendixes hereto be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX A

AVERAGE DAILY PLAIN BOXCAR SHORTAGES—JULY 1, 1972–FEB. 17, 1973

Week ended	Plain boxcar
July 1	709
8	574
15	640
22	677
29	687
Aug. 5	910
12	1,078
19	1,563
26	2,036
Sept. 2	2,672
9	2,791
16	2,589
23	2,174
30	2,300
Oct. 7	3,109
14	3,997
21	4,671
28	5,113
Nov. 4	5,237
11	5,246
18	4,805
25	5,377
Dec. 2	5,378
9	6,272
16	7,330
23	8,339
30	8,147
Jan. 6	8,543
13	10,163
20	11,889
27	13,654
Feb. 3	15,751
10	16,608
17	16,943

APPENDIX B

PLAIN BOXCARS

Railroad	Owned 1-1-1968	Installed new and rebuilt 1968-72	Retired 1968-72	Owned 1-1-1973
B&O	11,220	0	4,682	6,538
C&O	9,120	0	3,526	5,594
E-L	9,083	205	1,444	7,904
N&W	20,201	141	7,979	12,363
PC	50,780	8,812	25,826	33,766
ICG	25,714	330	9,581	16,463
L&N	7,819	1,809	3,814	5,814
SCL	10,065	184	5,230	5,019
Sou	11,175	4,196	[1] −2,738	18,109
CNW	26,341	0	2,468	23,873
Milw	11,436	725	[1] −3,163	15,324
BN	62,781	608	15,813	47,576
SOO	6,604	100	2,166	4,538
ATSF	26,214	2,000	10,308	17,906
CRIP	11,361	102	3,078	8,385
SP	31,783	5,650	16,263	21,170
UP	23,763	3,370	8,821	18,312
KCS	2,290	0	1,521	769
MKT	4,306	1,050	1,472	3,883
MP	14,250	2,251	1,571	14,930
SLSF	5,228	1,161	1,870	4,519
SLSW	4,402	1,851	638	5,615
Class I				
U.S. total	427,206	39,008	133,347	332,927

[1] Negative retirement indicates increase in ownership in excess of new installations, resulting from reclassification or transfer of equipment purchase or lease of used equipment, etc.

NOTE: For the purpose of this summary statement, all data is on basis of present mergered lines.

[FR Doc.73-4600 Filed 3-8-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 231, 241]

[Release Nos. 33-5342, 33-5343, 33-5344]

ACCOUNTING POLICIES, CHANGES IN ACCOUNTING AND IN ASSUMPTIONS USED IN DETERMINING INCOME AND EXPENSE, AND DIFFERENCS IN CALCULATING INCOME FOR TAX AND FINANCIAL REPORTING PURPOSES

Extension of Time for Submitting Comments on Disclosure Requirements

On December 18, 1972, the Commission invited public comments on proposals to amend guidelines under the Securities Act of 1933, to adopt guidelines under the Securities Exchange Act of 1934, and to amend Regulation S-X (17 CFR 210.1-01 et seq.) (Securities Act Release 5342, 5343, and 5344 (Dec. 18, 1972)) (38 FR 1733-1735, 37). That release stated that comments on the proposed amendments should be submitted to specified persons on or before February 15, 1973. In view of certain delays in printing and distributing copies of the above releases, and in response to a number of requests for extension of the public comment period, the Commission hereby extends the time for submitting comments on the above proposals to March 19, 1973. All such comments will be considered available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

FEBRUARY 7, 1973.

[FR Doc.73-4599 Filed 3-8-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

[Rev. 6]

LOAN POLICY

Notice of Proposed Rule Making

Notice is hereby given that the Small Business Administration proposes to revise Part 120 (revision 5) of Chapter I of Title 13 of the Code of Federal Regulations. Prior to adoption of revision 6 consideration will be given to any comments, suggestions, or objections submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, on or before March 29, 1973.

Proposed revision 6 will consolidate revision 5 and its several amendments. It will delete policy relating to disaster loans, which is being added to Part 123 of these regulations. It will restrict the requirement for at least two refusals by lending institutions to direct loans. The gambling prohibition would be modified for the sale of official State lottery tickets. It will incorporate the policy that an otherwise eligible small business concern owned by a nonprofit organization continues to be eligible. The adoption of the one-time guaranty fee is incorporated. Certain other clarifications and modifications would be included.

If adopted in final form the new revision 6 would read as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of business loans and guarantees.

AUTHORITY: 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634 (b) (6).

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance for business loans to small business concerns. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in § 120.3(c).

§ 120.2 Business loans and guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there

is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than two financial institutions for direct loans in cities where the population exceeds 200,000.

(*a*) Proof of refusal must contain the date, amount, and terms requested, and the reasons for not granting the desired credit. Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management, or principal shareholders of the applicant;

(iv) Through other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases when the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution.

(c) Assurance of repayment, change of ownership, and recreational and amusement enterprises.

(1) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects indicate ability to repay the loan and other obligations. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(2) Where the purpose of the loan application is to effect a change in the ownership of the applicant small business concern, the loan may usually be approved where there is a reasonable justification for the change in ownership on the ground that the change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical or social disadvantages, or because of disadvantages in the business or residential locations.

(3) Where the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement enterprises, any such enterprise must be open to the general public, it must be properly licensed by appropriate State or local authority, and the character and reputation of the applicant will be given special consideration.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or results of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners, or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Co.

(iv) Replenish funds theretofore used for such purposes.

(2) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(3) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns. An otherwise eligible small business concern will not become ineligible because it is owned in whole or in part by a nonprofit organization.

(4) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, film production company, or similar enterprise;

(5) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities, except in those cases where an otherwise eligible small business concern obtains less than one-third of its gross income from its income or commission from the sale of official State lottery tickets under a State license.

(6) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(7) If the purpose of the financial assistance is to finance the acquisition, construction, improvement, or operation of real property which is, or is to be, held primarily for sale or investment;

(8) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(9) Generally, if the financial assistance would be used primarily in agricultural activities. Agricultural activities include, but are not limited to, the production of food and fiber. Where the applicant is engaged in an agricultural activity and financial assistance has been formally declined by an agency of the Federal Government or an agricultural credit service supervised by the Farm Credit Administration, such applicant may be eligible for financial assistance from SBA: *Provided, however,* That an activity will not be eligible for financial assistance if it (i) produces (or in the last growing season produced) one or more crops currently eligible for a U.S. Department of Agriculture support payment or production loan; (ii) is engaged in the production of livestock or poultry, including eggs, except for (*a*) the operation of a hatchery for the production of baby chicks for sale to others, provided that the hatchery purchases from others more than 50 percent of its eggs; or (*b*) the operation of a commercial feed yard for cattle or hogs where its income is derived from the service operation of housing and feeding animals, either owned by others or purchased from producers solely for the purpose of fattening and resale prior to slaughter; or (*c*) the operation of a commercial poultry feed yard where its income is derived from the service operation of housing and feeding poultry owned by others, even when such operation results in the production of eggs; or (iii) is engaged in

the production of fish, unless the production process or type of fish is novel, innovative, or experimental in nature.

(10) Generally, if the financial assistance to be provided is for use in multi-level sales distribution plans.

§ 120.3 Terms and conditions of business loans and guarantees.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice. The maturity may not exceed 10 years, except that such portion of a loan made for the purpose of constructing facilities may have a maturity not in excess of 15 years.

(b) *Charges and interest rates*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-fourth of 1 percent per annum of the portion of the loan which SBA has guaranteed, for guarantees approved prior to January 1, 1973. Effective January 1, 1973, the guaranty charge is set on a one-time basis at 1 percent of the amount of the authorized guaranteed portion of the loan, and is payable at first disbursement by the participating bank. For loans made under a revolving line of credit, the guaranty charge is one quarter of 1 percent per annum of the guaranteed portion payable initially by the participating bank at the time of SBA approval of the line of credit.

(2) *Interest.* (i) Except as provided in paragraph (b) (2) (iii) of this section, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interst on its share of a loan as shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis.

(ii) Direct loans: Except as provided in paragraph (b) (2) (iii) of this section, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable.

(iv) Except as provided in paragraph (b) (2) (iii) of this section, the interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis. When purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be 5½ percent per annum, except where the rate of interest on the share of the loan of the financial institution is less than 5½ percent per annum then the rate on SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(v) The interest which a financial institution pays SBA for temporary advances unler the liquidity privilege in a guaranty loan agreement varies according to the approval date of SBA's guaranty on a given loan.

(vi) From time to time SBA may publish in the FEDERAL REGISTER notices of the maximum rates acceptable to SBA under the immediate participation and guaranty programs.

(3) *Service fees.* In immediate participation loans, and guaranteed loans where SBA has purchased its portion, made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan: *And provided,* That such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-fourth of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of 1 percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes; costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

(c) *Eligible loan participant.* SBA is authorized by appropriate enabling legislation to make participation loans to small concerns in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. In order to serve as an eligible loan participant in a particular loan transaction with SBA, the financial institution must—

(1) *Capacity to service loan.* Have the continuing capacities for processing, evaluating, disbursing, and servicing commercial term, and other loans authorized to be made by SBA to small concerns.

(2) *Capital structure and financial standing.* Have an adequate capital structure aggregating not less than $200,000, which must be so unimpaired or of such tangible nature to be considered sound (except that the $200,000 minimum shall not apply to institutions which are subject to supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority) and, together with its existing or proposed directors, officers, other employees, and other persons connected with its organization and operations, possess good character as well as general standing and reputation in the community based on their lending and other established financial ability and experience.

(3) *Qualified management.* Have and maintain in charge of operations qualified management which shall be available to the public during regular business hours, and hold itself out to the public as engaged in the making of commercial, industrial and other loans of the type authorized to be made by SBA to eligible small concerns.

(4) *Supervisory and examining authority.* Be operating subject to applicable supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority, or, in the absence of such control, be authorized to and shall enter into a written agreement with SBA to submit appropriate financial reports to SBA or to make available for SBA examination its books, records, accounts and affairs deemed necessary and appropriate by SBA to the protection of its interest in the transaction.

(5) *Absence of other financial or self-dealing interest in borrower concern.* Not possess, nor may any of its officers, directors, stockholders owning ten (10) or more percent of any class of shares, investment advisers, or other associates or affiliates, possess any interest directly or indirectly, in the small business concern (or in the case of a loan to a Local Development Company, the small business concern to be assisted) by reason of a stock or warrants position, or as a result

of financing its own sales or business operations (except that any such interest in the borrower by a small business investment company, duly licensed by SBA, associated or affiliated with a loan participant shall not disqualify such otherwise eligible loan participant). Concerns operating as a subsidiary or affiliate engaged primarily in lending for the purpose of financing the sale or products or services or other business operations of an affiliate or parent concern are not considered eligible. In the event the borrower shall be required to obtain personal insurance coverage (as contrasted with hazard insurance to protect collateral), it shall be only in such minimum amounts and costs as are necessary to protect the loan. Such insurance coverage shall be limited to declining term policies, providing a decrease in coverage consistent with the decreasing loan balance outstanding.

(6) *Ineligibility of SBIC's.* Not operate as a small business investment company duly licensed by SBA.

Dated: February 26, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-3611 Filed 3-8-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-11]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Monday, March 19, 1973, in Room 7200, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The meeting will consider preparations for the 27th session of the IMCO Maritime Safety Committee, scheduled to meet in London, March 26–30.

For further information on the subject matter of the meeting, contact Mr. Ronald A. Webb, Chairman, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632–1313.

Dated: March 5, 1973.

RONALD A. WEBB,
Chairman,
Shipping Coordinating Committee.

[FR Doc.73-4508 Filed 3-8-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bittner, Bradley D., 411½ South Second Street, Aberdeen, SD, convicted on October 21, 1970, in the Circuit Court, Second Judicial Circuit, Sioux Falls, S. Dak.

Boncher, Thomas H., 1007 Smith Street, Green Bay, WI, convicted on December 14, 1961, in Brown County Municipal Court, Green Bay, Wis.

Cooper, Alphonso J., 732 Rose Street, Jackson, MS, convicted on December 29, 1948, and April 11, 1953, by the City Court of Jackson, Miss., and on November 13, 1962, by the U.S. District Court, Jackson, Miss.

Cotton, David J., 5920 Hughes Road, Lansing, MI, convicted on July 18, 1958, in the Circuit Court for the county of Ingham, Mich.

Cramer, Daniel A., 2419 Brownell Boulevard, Flint, MI, convicted on May 20, 1966, in the Circuit Court for Genesee County, Mich.

Deason, James O., Box 281, Brent, AL, convicted on June 17, 1968, in the U.S. District Court, Northern Judicial District, Birmingham, Ala.

Donahue, Thomas H., 3450 Xerxes Avenue North, Minneapolis, MN, convicted on July 16, 1967, in the District Court, Fourth Judicial District, county of Hennepin, Minn.

Edgar, Lester P., Rural Route 2, Box 169, Fennimore, WI, convicted on November 25, 1970, Waukesha County Court, Branch Two, Waukesha, Wis.

Engle, Billy Gene, Williamsville, Miss., convicted on November 16, 1967, in the Second Judicial District Circuit Court, Carrol County, Miss.

Fisher, Stanley L., 5302 O Street, Omaha, NE, convicted on December 11, 1968, in the District Court of Iowa, Story County.

Free, Grover Willie, Post Office Box 26, Tiger, GA, convicted on October 29, 1958, in the U.S. District Court, Northern District of Georgia, Gainesville Division.

Gautreau, William J., Jr., Post Office Box 597, Kenner, LA, convicted on October 24, 1968, in the 24th Judicial District Court, parish of Jefferson, La.

Hart, Sidney A., 1430 Ebert Street, Winston-Salem, NC, convicted on October 5, 1961, in U.S. Western District Court, Charlotte, N.C.

Hiebing, Michael D., 5515 Evergreen Drive, Sheboygan, WI, convicted on January 29, 1958, in the Municipal Court, Sheboygan, Wis.

Hinkle, Lewis Alton, 4810 Quimby Avenue, Beltsville, MD, convicted on December 8, 1966, in the Circuit Court for Prince George's County, Md.

Hinkle, Samuel E., 4431 North Front Street, Harrisburg, PA, convicted on April 26, 1955, and September 29, 1958, in the Court of Quarter Sessions, Dauphin County, Pa., and on August 3, 1959, in the Court of Quarter Sessions, York County, Pa., and on December 12, 1959, in the Cumberland County, Pennsylvania Court, and on January 14, 1964, in the Court of Quarter Sessions, Dauphin County, Pa.

Jones, George W., 602 Des Moines Street, Ankeny, IA, convicted on May 9, 1969, in the Circuit Court of the Fourth Judicial Circuit, Christian County, at Taylorville, Ill.

Kiskadden, Albert Martin, Route 1, Box 117A, Sutherland, NE, convicted on January 19, 1938, in the Criminal Division of the Court of Common Pleas, Washington County, Pa.

Lee, Willard H., 7739 West Vernor, Detroit, MI, convicted in Recorders Court of the city of Detroit, Mich., on March 26, 1929, and on April 3, 1931, in Recorders Court of the city of Detroit, Mich.

Little, Ros Evear, 723 Beau Dean Lane, Cape Girardeau, MO, convicted on or about July 20, 1950, in the Circuit Court for the county of Ogemaw, State of Mich.

McLaughlin, Serge, Post Office Box 224, Hopkins, MN, convicted on July 22, 1963, in Hennepin County District Court at Minneapolis, Minn.

Martin, Leonard Thomas, Route 1, Grant, AL, convicted on or about October 9, 1941, in the Circuit Court, Marshall County, Ala., and on December 3, 1962, in the Northern District of Alabama, U.S. District Court.

Moga, David E., 5016 Humbolt Avenue North, Minneapolis, MN, convicted on October 6, 1969, in the District Court, Second Judicial District, Ramsey County, Minn., and on September 8, 1969, in the District Court, Fourth Judicial District, Hennepin County, Minn.

Moore, Granville Leroy, 102 Glenmore, Hot Springs, AR, convicted on January 14, 1966, in the First Judicial District Court, Caddo Parish, La.

Rennells, Paul Darwin, 6838 Northeast Mallory Avenue, Portland, OR, convicted on February 8, 1954, in the District Court of the Eleventh Judicial District of the State of Idaho, in and for the county of Twin Falls.

Richards, Michael E., 18 Gary Street, South Paris, ME, convicted on April 26, 1967, in Oxford County Superior Court, South Paris, Maine.

Scarton, Jack, 20124 Huron River Drive, Rockwood, MI, convicted on or about September 29, 1921, in the Common Pleas Court of Hudson, N.J., and on or about October 6, 1921, in the County Court of Hudson, N.J.

Schuler, John L., 858 Schenectady Avenue, Brooklyn, NY, convicted on or about June 6, 1953, by the Hudson County Court, Hudson County, N.J.

Slusher, Robert, 4974 Robb Highway, Palmyra, MI, convicted on December 4, 1969, in the Circuit Court for the county of Lenawee, State of Michigan.

Thomas, Oscar G., 7320 Asbury Drive, Lithonia, GA, convicted on April 15, 1957, in the Third Judicial Court, Suwanee County, Fla., and on May 19, 1960, in the Circuit Court, Alachua County, Fla., and on January 20, 1966, in the Superior Court of Fulton County, Ga.

Signed at Washington, D.C., this 2d day of March 1973.

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

[FR Doc.73-4525 Filed 3-8-73;8:45 am]

Bureau of Customs

[T.D. 73-67]

FOREIGN CURRENCIES

Certification of Rates

FEBRUARY 28, 1973.

The appended table shows the rates of exchange certified to the Secretary of

the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs regulations (19 CFR 16.4(d)), for the period from February 20 through February 23, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	February 20	February 21	February 22	February 23
Australia	Dollar	$1.4170	$1.4100	$1.4100	$1.4100
Austria	Schilling	.0470	.0469	.0469	.0483
Belgium	Franc	.024500	.024506	.024735	.025100
Canada	Dollar	(1)	(1)	(1)	(1)
Ceylon	Rupee	.1580	.1579	.1579	.1580
Denmark	Krone	.1573	.15795	.1580	.1605
Finland	Markka	.2525	.2520	.2525	.2520
France	Franc	.2142	.2145	.2174	.2205
Germany	Deutsche Mark	.33705	.3375	.3425	.3472
India	Rupee	.1320	.1320	.1320	.1320
Ireland	Pound	(1)	(1)	(1)	2.4740
Italy	Lira	(1)	(1)	(1)	(1)
Japan	Yen	.003790	.003775	.003787	.003775
Malaysia	Dollar	.3900	.3900	.3900	.3900
Mexico	Peso	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3368	.3375	.3423	.3485
New Zealand	Dollar	1.3205	1.3205	1.3207	1.3200
Norway	Krone	.1648	.1651	.165450	.1665
Portugal	Escudo	.0392	.0394	.0393	.0397
Republic of South Africa	Rand	1.4000	1.4000	1.4000	1.4000
Spain	Peseta	.016900	.016903	.016900	.017226
Sweden	Krona	.2217	.2220	.221950	.2243
Switzerland	Franc	.2973	.2992	.3075	.3055
United Kingdom	Pound	(1)	(1)	(1)	2.4740

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

[FR Doc.73-4496 Filed 3-8-73;8:45 am]

Office of the Secretary

HAND-OPERATED, PLASTIC PISTOL-GRIP TYPE LIQUID SPRAYERS, FROM REPUBLIC OF KOREA

Antidumping Proceeding Notice

MARCH 5, 1973.

On January 23, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that hand-operated, plastic pistol-grip type liquid sprayers from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

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

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less, or likely to be less, than the prices either for home consumption or to third countries, as appropriate.

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

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

MARCH 5, 1973.

[FR Doc.73-4579 Filed 3-8-73;8:45 am]

HAND-OPERATED, PLASTIC PISTOL-GRIP TYPE LIQUID SPRAYERS, FROM JAPAN

Antidumping Proceeding Notice

MARCH 5, 1973.

On January 23, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that hand-operated, plastic pistol-grip type liquid sprayers, from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

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

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

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

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

MARCH 5, 1973.

[FR Doc.73-4580 Filed 3-8-73;8:45 am]

MANDELIC ACID FROM UNITED KINGDOM

Antidumping Proceeding Notice

MARCH 5, 1973.

On January 9, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that mandelic acid from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

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

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

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

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

[FR Doc.73-4581 Filed 3-8-73;8:45 am]

STEEL WIRE ROPE FROM JAPAN

Withholding of Appraisement Notice

Information was received on July 11, 1972, that steel wire rope from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an antidumping proceeding notice which was published in the FEDERAL REGISTER of August 18, 1972, on page 16683. The antidumping proceeding notice indicated that there was evidence on record concerning injury to or likelihood of injury

to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable (sections 203 and 204 of the Act; 19 U.S.C. 162 and 163), of steel wire rope from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of Reasons. The investigation revealed that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price and the adjusted home market price of such or similar merchandise.

Purchase price was based on the f.o.b. Japanese port price with deductions for inland freight and other shipping charges, as applicable.

Exporter's sales price was calculated by deducting from the resale price of the related firm to the unrelated purchaser in the U.S. bank charges, transportation charges in the United States and Japan, ocean freight and insurance, selling commission, and U.S. duty.

The home market price was calculated on the basis of a weighted-average delivered price of such or similar merchandise with deductions for inland freight and other shipping charges, as applicable. Appropriate adjustments were made for differences in packing and credit costs.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as appropriate, will be lower than the home market price.

Customs officers are being directed to withhold appraisement of steel wire rope from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations, interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office on or before March 19, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before April 9, 1973.

This notice, which is published pursuant to § 153.54(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on March 9, 1973. It shall cease to be effective on September 10, 1973, unless previously revoked.

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

MARCH 6, 1973.

[FR Doc.73-4668 Filed 3-8-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

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

Name: Department of the Army Historical Advisory Committee.
Date: April 6, 1973.
Place: Conference Room, Wing 2, Second Floor, Tempo C, Second and R Streets SW., Washington, DC.
Time: 1015-1130; 1345-1515.
Proposed agenda:
1020-1130 Review of historical activities.
1345-1515 Discussion of activities and executive session of the committee.

Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendation to the Secretary of the Army for advancing the purposes of the Army Historical Program.

Meeting of the Advisory Committee is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least 5 days prior to the meeting, of their intention to attend the April 6 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to LTC C. F. Moore, Advisory Committee Management Officer for Office Chief of Military History, Room 2009, Tempo C, Second and R Streets SW., Washington, DC 20315.

For the Chief of Military History.

C. F. MOORE,
LTC, Infantry, Executive Officer, Plans, Programs and Administration.

MARCH 5, 1973.

[FR Doc.73-4559 Filed 3-8-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

EQUAL RIGHTS GUIDELINES

Effect on Minorities and Women of Minimum Height Requirements for Employment of Law Enforcement Officers

1. *Purpose.* This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.

2. *Scope.* The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all State Planning Agencies.

3. *Background.* The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins, and races. Discrimination on the ground of race, color, creed, sex, or national origin is prohibited by the Department of Justice regulations concerning employment practices of State agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, Subpart D).

4. *Requirement.* The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to this Department's regulations prohibiting employment discrimination.

5. *Exceptions.* In those instances where the recipient of Federal assistance is able to demonstrate convincingly through the use of supportive factual data such as professionally validated studies that such minimum height requirements used by the recipient is an operational necessity for designated job categories, the minimum height requirement will not be considered discriminating.

6. *Definition.* a. The term operational necessity as used in this guideline shall refer to an employment practice for which there exists an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties; is sufficiently compelling to override any discriminatory impact; is effectively carrying out the operational purpose it is alleged to serve; and for which there are available no acceptable alternate policies or practices which would better accomplish the operational purpose advanced, or accomplish it equally well with a lesser discriminatory impact.

b. The term law enforcement as used in this guideline is defined at section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

Effective date. This Guideline shall become effective on March 9, 1973.

Dated: March 6, 1973.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

CLARENCE M. COSTER,
Associate Administrator.

MARCH 5, 1973.

RICHARD W. VELDE,
Associate Administrator.

MARCH 6, 1973.

[FR Doc.73-4553 Filed 3-8-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold its second meeting March 21 and 22, 1973, at the Continental Denver Motor Inn, Valley Highway and Speer Boulevard, Denver, Colo. The agenda for the meeting will include consideration and review of proposed regulations, a draft environmental impact statement and comments and recommendations received from the general public subsequent to the last meeting.

The meeting will be open to the public. Seating will be available for about 25 observers. Time will be available for a limited number of brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board chairman is Dr. C. Wayne Cook. Written statements should be submitted to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

BURT SILCOCK,
Director.

MARCH 2, 1973.

[FR Doc.73-4598 Filed 3-8-73;8:45 am]

ARIZONA STATE MULTIPLE USE ADVISORY BOARD

Notice of Annual Business Meeting

Notice is hereby given that the Arizona State Multiple Use Advisory Board will hold its annual business meeting March 27, 1973, at the Adams Hotel, Central and Adams, Phoenix, Ariz. The agenda for the meeting will include election of board officers, proposed Federal legislation effecting national resource lands, discussion and recommendations on proposed off-road vehicle regulations, status of bureau management plans, management of Aravaipa Canyon Primitive Area, and wild horse and burro legislation and management.

The meeting will be open to the public to the extent seating is available. Seating will be available for about 30 persons. Time will be made available for a limited number of brief statements from the public. Those desiring to make public statements must notify the chairman in writing of this desire prior to the meeting date. Any interested party may file a written statement with the Board for its consideration. Written statements and requests to give an oral statement to the Board should be directed to Ted Lee, Chairman, c/o State Director, Bureau of Land Management, Room 3022, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

Dated: March 2, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-4511 Filed 3-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UINTAH AND OURAY INDIAN LANDS IN NORTHEAST UTAH

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Uintah and Ouray Indian lands in northeast Utah has been materially increased and become acute because of excessive snowfall and subzero temperatures depleting supplies of livestock feed, thus creating a critical need for supplemental feed. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock, men who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on March 2, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-4614 Filed 3-8-73;8:45 am]

Rural Electrification Administration

COOPERATIVE POWER ASSOCIATION

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with the use of available loan funds by Cooperative Power Association of 6700 France Avenue, South, Minneapolis, Minn. 55435. This action will finance the construction of a switching station, a substation, and approximately 12 miles of 230-kV. transmission line from a location near Henning to a location near Rush Lake. Both locations are in Otter Tail County, Minn.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric at the address given above. Comments must be received on or before April 9, 1973 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 5th day of March 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.73-4616 Filed 3-8-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-560]

HIGHPOINT TRAWLERS, INC.

Notice of Loan Application

Highpoint Trawlers, Inc., Gooseberry Road, East Matunuck, R.I. 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new wood vessel, about 76-foot in length, to engage in the fishery for crabs, lobsters, herring, mackerel, cod, flounders, whiting, hake, menhaden, scup, butterfish, squid, fish for industrial uses, swordfish, and clams.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine

Fisheries Service on or before April 9, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-4506 Filed 3-8-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Population Statistics will convene on March 23, 1973, at 9:30 a.m. The Committee will meet in room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting includes: (1) Status of 1970 Decennial Census reports, (2) issues in defining statistical areas for census presentations, (3) changes and alternatives in the Consumer Buying Expectation Survey, (4) content of the mid-decade sample survey, and (5) 1970 Census—completeness of coverage and quality of data.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Daniel B. Levine, Associate Director for Demographic Operations, Bureau of the Census, Room 2061, Federal Building 3, Suitland, MD. (Mail address: Washington, D.C. 20233.) Telephone (301) 763-5167.

Dated: March 6, 1973.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-4514 Filed 3-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Mar. 16 and 17, 11:30 a.m., Bldg. 29, Room 115, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.	Open Mar. 16, 11:30 a.m. to 1 p.m., closed Mar. 16 after 1 p.m., closed Mar. 17. Jack Gertzog (BI-5), 5600 Fishers Lane, Rockville, MD 20852, 301—496-1676.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed bacterial vaccines and bacterial antigens for which there are no U.S. standards of potency.

Agenda. Continuing review of bacterial vaccines and bacterial antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. National Advisory Food Committee.	Mar. 26 and 27, 9 a.m., Room 1409, 200 C Street SW., Washington, DC.	Open—Robert A. Littleford, Ph. D., Room 7-67, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4463.

Purpose. Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods. Reviews and makes recommendations on applications for grants-in-aid for research and research training projects relevant to the mission of FDA.

Agenda. Funds available for research grants—current situation, and FDA's research activities (contracts, grants, and intramural).

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public

participation. Fourth, after the committee makes its recomendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4541 Filed 3-8-73;8:45 am]

[DESI 2354; Docket No. FDC-D-559; NDA 2-354]

CHARLES C. HASKELL DIVISION, ARNAR-STONE LABORATORIES, INC.

Combination Drug Containing Phenobarbital, Acetaminophen, Phenacetin, Atropine Sulfate, Scopalamine Hydrobromide and Hyoscyamine Hydrobromide; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of December 23, 1972 (37 FR 28436), extending to Charles C. Haskell Division, Arnar-Stone Laboratories Inc., 601 East Kensington Road, Mount Prospect, IL 60056 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 2-354 for Hasamal Tablets (phenobarbital, acetaminophen, phenacetin, atropine sulfate, scopolamine hydrobromide and hyoscyamine hydrobromide). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commisioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 2-354 and all amendments and supplements thereto is withdrawn effective on March 9, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4542 Filed 3-8-73;8:45 am]

[DESI 11503]

KANAMYCIN SULFATE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice (DESI 11503) published in the FEDERAL REGISTER of January 10, 1970 (35 FR 397), the Commisioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following preparation containing kanamycin sulfate, stating that this drug is regarded as effective, possibly effective, and as lacking substantial evidence of effectiveness for the various labeled indications.

Kanamycin sulfate, marketed as Kantrex Injection equivalent to 1.0 gm. kanamycin base per 3 milliliters or 500 milligrams kanamycin base per 2 milliliters; Bristol Laboratories, Syracuse, N.Y. 13201.

Kantrex Pediatric Injection, also marketed by Bristol Laboratories, equivalent to 75 milligrams kanamycin base per 2 milliliters, was not submitted to the Academy for review, but is regarded as subject to the announcement of January 10, 1970, and this notice.

Based on a further reevaluation of the reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and other available evidence, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of January 10, 1970, by:

1. Reclassifying the following possibly effective indications for kanamycin sulfate injection as effective when the condition is caused by staphylococci: Chronic pyelonephritis; pulmonary complications of cystic fibrosis; infected grafts; staphylococcal enterocolitis; acute pyelonephritis, cystitis, and prostatitis.

2. Reclassifying the following possibly effective indications for kanamycin sulfate injection as lacking substantial evidence of effectiveness where the condition is not caused by staphylococci: Chronic pyelonephritis; pulmonary complications of cystic fibrosis; infected grafts; anthrax; acute pyelonephritis, cystitis, and prostatitis.

3. Rewording the kanamycin sulfate injection "Indications" section as follows:

INDICATIONS

Kanamycin sulfate is indicated for short-term treatment of serious infections caused by susceptible strains of microorganisms. Bacteriology studies to determine the causative organisms and their susceptibility to kanamycin should be performed. Therapy may be instituted prior to obtaining the results of susceptibility testing.

Kanamycin sulfate may be indicated in the treatment of infections where one or more of the following are the known or suspected pathogens: *E. coli*, *Proteus* species, *Enterobacter aerogenes* (formerly *Aerobacter aerogenes*), *Klebsiella pneumoniae*, *Serratia marcescens* and Mima-Herellea. The decision to continue therapy with the drug should be based on results of the susceptibility tests, the severity of the infections, and the important additional concepts contained in the "Warning" box.

Although Kanamycin sulfate is not the drug of choice for staphylococcal infections, it may be indicated under certain conditions for the treatment of known or suspected staphylococcal disease. These situations include the initial therapy of severe infections where the organism is thought to be either a gram-negative bacterium or a *staphylococcus*, infections due to susceptible strains of staphylococci in patients allergic to other antibiotics, and mixed staphylococcal/gram-negative infections.

Batches of drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of

the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may on or before April 9, 1973, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

The petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1051–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 3, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4544 Filed 3-8-73;8:45 am]

ACUPUNCTURE DEVICES LABELING

Notice to Manufacturers, Packers and Distributors

The Commissioner of Food and Drugs is aware of the current interest in the United States surrounding the use of acupuncture needles, stimulators, and other accessories for medical purposes. Acupuncture paraphernalia are being imported into this country and are also being manufactured domestically for various medical uses, including the treatment and diagnosis of serious diseases, anesthesia, and pain relief. These products are devices and must comply with all applicable provisions of the Federal Food, Drug, and Cosmetic Act.

It is the position of the Food and Drug Administration that the safety and effectiveness of acupuncture devices have not yet been established by adequate scientific studies to support the many and varied uses for which such devices are being promoted, including uses for analgesia and anesthesia. Although various theories have been advanced as to how medical results can be obtained through the use of acupuncture, none has been proved or generally accepted, and there is a body of scientific opinion which questions the safety and effectiveness of acupuncture in many of the uses for which it is now being applied.

Under the Federal Food, Drug, and Cosmetic Act, all devices must be properly labeled to be in compliance with the law. Devices which are not safe for use by the laity, or for which adequate directions cannot be written for safe use by the laity, must be labeled as prescription devices and must be accompanied by labeling which provides the prescribing practitioner with adequate directions for their safe and effective use. Because the safety and effectiveness of acupuncture devices have not yet been adequately demonstrated, and labeling therefore cannot be devised, which would provide adequate directions for safe and effective use, they may not be labeled in accordance with the requirements for prescription devices as stated in 21 CFR 1.106(d). Until evidence is obtained demonstrating that acupuncture is a safe and effective medical technique, acupuncture devices must be limited to investigational or research use.

Current Food and Drug Administration regulations do not contain specific provisions governing the shipment of investigational devices in interstate commerce for clinical research or experimental use. The Commissioner of Food and Drugs is aware of the need for such regulations to provide adequate guidance as to the labeling for experimental devices to be used on human beings. Therefore, the Commissioner intends to publish at a later date proposed regulations which would govern all investigational devices. In the interim, this notice will apply to all acupuncture devices.

In order to establish guidelines under which manufacturers, packers, and distributors can properly label acupuncture devices for investigational use, the Food and Drug Administration met on September 22, 1972, with individuals concerned with the use of acupuncture in the United States. These included representatives of the States of California and New York, the city of New York, the American Society of Anesthesiologists, the National Institutes of Health, the Federation of State Medical Boards, the American Medical Association, medical practitioners, and the Food and Drug Administration Medical Device Advisory Committee. It was the consensus of this group that acupuncture devices should be restricted to investigational use by licensed practitioners and that the labeling for these devices should include this restriction in addition to other information.

Accordingly, the Commissioner of Food and Drugs concludes that until substantial scientific evidence is obtained by valid research studies supporting the safety and therapeutic usefulness of acupuncture devices, the Food and Drug Administration will regard as misbranded any acupuncture device shipped in interstate commerce if the following information does not appear in the labeling:

(a) The name of the device.

(b) The name and place of business of the manufacturer, packer, or distributor.

(c) An accurate statement of the quantity of the contents.

(d) The composition of the device and whether it is sterile, nonsterile, reusable, or disposable.

(e) The dimension or other pertinent physical characteristics of the device.

(f) The following statement: "Caution: Experimental device limited to investigational use by or under the direct supervision of a licensed medical or dental practitioner. This device is to be used only with informed consent under conditions designed to protect the patient as a research subject, where the scientific protocol for investigation has been reviewed and approved by an appropriate institutional review committee, and where conditions for such use are in accordance with State law."

Instructions for the use of the device for the purpose for which it is being investigated and, to the extent such information is known, any human hazards, contraindications, precautions, or side effects associated with its use, should be provided to researchers and investigators. The Food and Drug Administration, however, will regard as misbranded any acupuncture device shipped in interstate commerce if accompanied by claims of diagnostic or therapeutic effectiveness.

Pending promulgation of separate regulations for conducting clinical investigations of investigational devices, researchers and investigators shall assure adequate informed consent and institutional committee review for such investigations, utilizing as a guideline the standards established for investigational drugs in 21 CFR 130.37 and in Division 10, unit C of form FD–1571, in 21 CFR 130.3 (a)(2).

Dated: February 21, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73-4540 Filed 3-8-73;8:45 am]

[Docket No. FDC-D-255; NDA 11-370 etc.; DESI 10732]

LAVEMA COMPOUND SOLUTION AND LAVEMA ENEMA POWDER

Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of September 30, 1971 (36 FR 19184), the Food and Drug Administration announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on several preparations containing oxyphenisatin, including Lavema Compound Solution and Lavema Enema Powder, Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, NY 10016 (NDA's 12–587 and 11–370; DESI 10732).

The announcement stated that new evidence of clinical experience, not contained in the new drug applications or evaluated together with the evidence available to the Commissioner until after the applications were approved, evaluated together with the evidence available to the Commissioner when the applications were approved, reveals that oxyphenisatin base and acetate are not shown to be safe for use under the conditions of use contained in the approved applications. The announcement further stated the conclusion of the Food and Drug Administration that in view of the hazards associated with the use of oxy-

phenisatin, including hepatitis and jaundice, and the availability of alternative drugs having a wider margin of safety, the ratio of benefit-to-risk with either orally or rectally administered drugs containing oxyphenisatin base or acetate, does not justify their continued marketing.

II. Recommeded Uses

Lavema Compound Solution is recommended: For use as a cleansing enema for fecal impaction; for removal of barium following barium enema; for constipation on isolated occasions; prior to proctosigmoidoscopic examination; for preoperative preparation of the lower bowel; and postoperatively. Lavema Enema Powder is recommended: For use as a cleansing enema before roentgenography; before proctosigmoidoscopic and fluoroscopic examination of the colon; for preoperative preparation of the large intestine; and for administration on isolated occasions to patients with severe constipation not relieved by aqueous enemas. Lavema Enema Powder is also recommended for use as a barium enema adjuvant.

III. General Objections

In its request for an opportunity for a hearing, Winthrop Laboratories contends that Federal Register notice of October 29, 1971, is defective and/or incorrect in several important respects: Lavema contains oxyphenisatin base compared to oxyphenisatin acetate which is present in the oral laxative preparations which were also subject to the October 29, 1971, order; the Lavema drugs are administered by the rectal rather than the oral route; Lavema drugs are prescription drugs rather than over-the-counter drugs, as is the case with the laxatives; the laxatives contain the wetting agent, dioctyl sodium sulfosuccinate, which is not present in the enemas; the laxative is intended for repeated administration while the enemas are intended for single dose administration; the orally administered preparation is present in the bowel for at least 8 hours; the enema is administered in the hospital while the laxative may be taken outside of the hospital; there have been no reports associating the use of Lavema with liver toxicity; and the alternative enemas, mainly saline, have been associated with toxic reactions. Winthrop has submitted the affidavit of Monroe Trout, M.D., Medical Director of Sterling Drug, Inc., in support of these contentions. Each of these points will be discussed in order.

The announcement provided an opportunity for a hearing on withdrawal of the new drug applications for Lavema Compound Solution and Lavema Enema Powder (NDA's 12-587 and 11-370). Thirty days were allowed for filing a written appearance requesting a hearing by any interested persons giving the reasons why approval of the new drug applications should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they were prepared to prove in support thereof. A request for a hearing was submitted by Winthrop Laboratories, Division of Sterling Drug, Inc., on October 29, 1971.

The medical presentation of Winthrop Laboratories has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. The Drugs

Lavema Compound Solution is a disposable enema kit, supplied in 180 ml. bottles, containing a liquid solution which has oxyphenisatin base as its active ingredient. Lavema Enema Powder is a powder preparation, supplied in 3 gm. packets, which has oxyphenisatin base as its active ingredient.

1. *Lavema contains oxyphenisatin in the unacetylated compound while the orally administered laxatives contained oxyphenisatin acetate.* The sponsor states that the acetate is more soluble while the unacetylated base form is less soluble, and implies that the base is less absorbed than the acetate from the gastrointestinal tract. However, Winthrop does not present adequate scientific evidence to support this suggestion or to show that, in fact, it results in greater safety. While the acetate form of various compounds is frequently more soluble, in the case of oxyphenisatin both the acetate and the base are quite insoluble and are not readily absorbed. The "U.S. Dispensatory and Physicians' Pharmacology," J. B. Lippincott Co., 1967, pages 796–797. It has been found that the unacetylated form of oxyphenisatin is more readily absorbed than the acetate form and evidence indicates that the oxyphenisatin acetate has to be deacetylated and converted to the unacetylated form in order for detectable absorption to occur. G. Ferlmann and W. Vogt, "Deacetylation and Absorption of Phenolic Laxatives," Arch. Expti. Pathol. Pharmakol. 250(4), 479–487 (1965). Since Winthrop has failed to present adequate scientific data to refute this evidence or to support its own contention, the Commissioner finds a lack of evidence of safety on this point.

2. *Lavema is administered rectally while the laxatives are administered orally.* The sponsor attaches two points of significance to this fact, both of which are discussed under points 5 and 6 below.

3. *The Lavema drugs are prescription items administered in the hospital under the supervision of a physician which will severely decrease the likelihood of toxic liver reaction.* Winthrop presented no evidence to support this contention, and fails to show that the administration of the drug under a doctor's supervision may severely decrease the likelihood of toxic liver reaction if the toxic liver reaction is based on hypersensitivity (see point 5 below). The close observation by a physician may facilitate the early diagnosis of toxic liver reaction, but would not prevent the occurrence of such reaction. The Commissioner therefore finds inadequate evidence of safety with respect to this point.

4. *The oral preparation contains a wetting agent (dioctyl sodium sulfosuccinate).* Winthrop asserts that the presence of this wetting agent is likely to enhance the absorption of the drug. This is a theoretical possibility. However, Winthrop presents no scientific evidence to document this theory. The wetting agent is irrelevant with respect to absorption since oxyphenisatin acetate largely remains in the unabsorbable acetate form in the bowel. The Commissioner therefore finds a lack of adequate evidence of safety to support the theoretical contention made in this point.

5. *Frequency of administration.* Winthrop states, that, based on the literature reports, the liver toxicity apparently is dependent on number of doses and that if the liver toxicity is due to hypersensitivity reaction, one would not expect it to occur with Lavema, which is usualy given as a single treatment. This point is based on Winthrop's speculation of a decreased likelihood of Lavema being associated with toxic liver reaction whether this reaction is on a dose-related basis or on a hypersensitivity basis. However, as Winthrop readily admits, the exact mechanism of the toxic action of oxyphenisatin has not been determined at the present time. The law requires the sponsor to determine by scientific evidence that a drug is safe, rather than relying upon speculation and hypothesis. It is therefore incumbent upon Winthrop to show the mechanism for this toxicity. In the absence of well-documented evidence for the mechanism of the toxic reaction, it cannot be assumed that the drug administered as a single rectal dose will not cause hepatic toxicity. The Commissioner therefore finds a lack of adequate safety data to support this point.

6. *The rectally administered preparation is expelled within 15 to 30 minutes while the oral preparation is subject to absorption for at least 8 hours.* Two important facts must be taken into consideration here. First, the orally administered drug, as pointed out above, apparently must undergo deacetylation prior to any significant amount of absorption as the base. On the other hand, the rectally administered drug is already in the base and it is more suitable for absorption immediately after insertion in the body. Second, the dose administered is quite different. The oral product contains 3 milligrams of oxyphenisatin and the recommended dose is one capsule twice a day. In contrast, the rectally administered product contains 20 milligrams of oxyphenisatin base. In spite of these facts, Winthrop has submitted no scientific data to support its theory that the shorter period of exposure associated with the rectal product results in less absorption or greater safety. The Commissioner therefore finds a lack of proof of safety on this point.

7. *The enema is administered in the hospital.* This contention is discussed under point 3 above.

8. *There are no reports of association of liver toxicity with the use of Lavema.* The lack of adverse reaction reports, which are available on an ad hoc basis, does not constitute or substitute for adequate scientific evidence of safety. Toxic reactions may go unnoticed or unreported, or may not properly be associated with the causative drug. Only scientific studies can adequately show safety. Potential toxicity exists with Lavema as well as with the orally administered agents, and the law requires the sponsor of the drug to prove safety.

9. *The alternative methods which may be used instead of Lavema are not without toxicity.* Winthrop states that the saline type of enemas may be associated with aberrations of electrolyte balance in anuric patients. But this potential danger exists primarily in patients who already have extremely severe renal disease, and a physician using enemas in the hospital will be able to identify and exclude that type of patient very easily.

Furthermore, there are enemas safer than the Lavema drugs that are available for use for the conditions for which the Lavema drugs are recommended. First, for use before proctosigmoidoscopy and before roentgoenography examination of the colon, an ordinary saline enema, a warm water and soap suds enema, a tap water enema if renal problems are expected, a glycerine suppository or any safe cathartic that does not contain oxyphenisatin are safer for use than the Lavema drugs. Second, for preoperative preparation of the large intestine, a warm saline enema or a warm water and soap suds enema is safer than the Lavema drugs. Third, for isolated cases of severe constipation not relieved by aqueous enemas, a stimulant cathartic (other than oxyphenisatin) with or without a saline or soap suds and water enema is safer for use than the Lavema drugs. Fourth, for fecal impaction, an oil retention enema, containing mineral, cottonseed or olive oil, or manual dilatation are safer for use than the Lavema drugs. Fifth, as a barium enema adjuvant, air insufflication is safer than use of the Lavema drugs. Sixth, for removal of barium following a barium enema, an oral cathartic laxative not containing oxyphenisatin is safer for use than the Lavema drugs. Finally, use of enemas postoperatively is uncommon. When an enema is needed for this indication, the saline enema and soap suds and water enema are safer for this use than the Lavema drugs.

IV. The Data to Support the Claims of Safety

Winthrop has submitted the reports of three unpublished studies conducted for it, which it contends constitute substantial evidence of safety of the Lavema products, and a lengthy list of medical endorsements.

A. The Studies

1. The first report submitted consists of a study conducted by J. O. Hoppe containing the following information from animal studies concerning dihydroxyphenylisatin: toxicity, irritation, information on mode of action, and how it differs from tannic acid. The Commissioner notes that tannic acid is a highly toxic drug. It is assumed that the researcher had hoped to show dihydroxyphenylisatin less toxic than tannic acid.

The acute toxicity studies were conducted with dihydroxyphenylisatin both intravenously and orally on mice. The oral dosage was a suspension form of the drug, while the clinical form of the drug is a solution.

The dihydroxyphenylisatin irritation tests were conducted on rabbits. The study shows a degree of irritation which may be clinically significant.

The investigator himself concluded that he lacked sufficient data to permit a free discussion of the mode of action of dihydroxyphenylisatin and stated that he had not conducted a comparative study of the drug with tannic acid.

2. The second report was submitted by F. Coulston, H. P. Drobeck, and M. Rennie, who conducted a study for Winthrop to determine the irritant effect of 0.02 percent of dihydroxyphenylisatin on the rectal mucosa of monkeys. The results of this study showed that a single rectal installation of 0.02 percent solution (only two times the maximum clinical concentration) had the potential for causing slight to moderate visible hyperemia of the rectal mucosa while an equal volume of saline solution administered in a similar manner had no effect.

3. The third study, conducted for Winthrop by J. O. Hoppe and Mr. Brosseau, was conducted to duplicate experimentally a collapse syndrome detected in elderly patients following a barium enema containing Lavema. The authors state that five experiments were conducted on dogs, although the report indicates that one experiment was carried out on five dogs by administration of varying amounts of Lavema.

Although the results failed to confirm the clinical reports of adverse cardiovascular effects, an adequate evaluation of the potential cardiovascular activity of oxyphenisatin would require parenteral studies as well.

4. *Summary.* The animal data are not sufficient to give a proper characterization of the potential toxicity of Lavema. They do indicate that oxyphenisatin base is irritating enough for one to be legitimately concerned about potential clinical irritancy. No data were submitted to show that Lavema is not toxic to the liver. Based on these studies, the Commissioner finds that Winthrop Laboratories has not submitted adequate evidence of safety of Lavema.

B. The Medical Endorsements

Winthrop has submitted comments from approximately 66 physicians who have administered the Lavema drugs to their patients at Winthrop's request. These comments are testimonials at best and do not comprise in any manner adequate proof of safety. Moreover, none of these physicians makes any reference to any adequate scientific studies having been conducted on the Lavema drugs to establish their safety in use. No pre- or post-clinical data for the evaluation of the safety of the Lavema drugs is presented in any of these statements. The large numbers of clinical cases referred to in the comments are not documented with actual patient data.

V. Legal Objections

For the reasons discussed below, Winthrop's objections are insubstantial and inapplicable to this withdrawal.

Winthrop cites "Bell v. Goddard," 366 F. 2d 177, 181 (C.A. 7, 1966) for the proposition that the Commissioner must show that one or more of the grounds for withdrawal under section 505(e) have been met. Winthrop contends that this condition has not been met since there is no new evidence of clinical experience relating to Winthrop's product which reveals that it is unsafe in use. However, as discussed in detail in the introduction to this order and under Part III above, jaundice, hepatitis, and liver hypersensitivity have been demonstrated to occur in the acetate form. The acetate when orally ingested is converted to the base, the form in which the drug is absorbed and which is responsible for its laxative action. The base form is the sole active ingredient in the Lavema drugs. Winthrop has presented no scientific evidence whatever to show how this evidence is inapplicable to the Lavema products.

Winthrop also objects to the Commissioner's conclusion that the ratio of benefit-to-risk with either orally or rectally administered drugs containing oxyphenisatin, base or acetate, does not justify their continued marketing, on the ground that this is an opinion. Winthrop has filed the affidavit of Dr. Monroe Trout, in support of this contention. Dr. Trout's affidavit has already been discussed (Part III, above). Moreover, the law requires that Winthrop submit evidence consisting of adequate tests by all methods reasonably applicable to demonstrate that the Lavema drugs are safe for use for their labeled conditions. Since new evidence of clinical experience reveals that the Lavema drugs are not shown to be safe and Winthrop has failed to submit any adequate scientific studies to demonstrate the Lavema drugs to be safe, the Act mandates that the new drug applications be withdrawn. The Commissioner has reached a legal conclusion, not merely issued an advisory opinion.

The Winthrop position appears to be bottomed on the contention that, once a drug is marketed, the Commissioner must permit it to remain on the market absent of clear proof of harm. The statute, however, provides that the burden of proving safety remains forever on the drug's sponsor. The Commissioner need find, as he did in this case, only that new evidence shows that the sponsor has failed to satisfy its burden of proving safety, in order to withdraw the new drug application, 21 U.S.C. 355(e)(2).

In this instance, Winthrop relies solely upon theory and hypothesis unsupported by scientific tests; upon animal studies

not even related to the toxicity question involved; and upon testimonials from physicians that do not purport to be based on scientific tests. Winthrop has failed to identify even one scientific study to support its contentions. Accordingly, there is no possible basis for a finding that the drug has been proved safe.

VI. FINDINGS

The Commissioner, based on the review of the medical documentation offered to support the claims of safety for Lavema compound solution and Lavema enema powder finds that Winthrop Laboratories, Division of Sterling Drug, Inc., has failed to present adequate evidence of safety for these products. Therefore, pursuant to 21 CFR 130.14(b), the request of Winthrop Laboratories for a hearing on the withdrawal of the new drug application for Lavema compound solution and Lavema enema powder is denied. No objection or documentation was presented by any other firms and, in accordance with the provisions of 21 CFR 130.15, this failure is construed as an election by any other firm not to avail itself of the opportunity for the hearing.

The Commissioner further finds that the approval of the new drug application heretofore approved for Lavema compound solution and Lavema enema powder (NDA's 12-587 and 11-370) should be withdrawn on the basis of a lack of substantial evidence of safety.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-1053, 1055-1056, as amended, and 76 Stat. 781-785, as amended; 21 U.S.C. 355, 371), and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the approval of the new drug applications for Lavema compound solution and Lavema enema powder (NDA's 12-587 and 11-370) are withdrawn, effective immediately.

Dated: March 6, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4543 Filed 3-8-73;8:45 am]

National Institutes of Health

AD HOC COMMITTEE ON SMOKING AND HEALTH

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the ad hoc committee on smoking and health, March 25, 1973, at 2 p.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 2 p.m. to 5 p.m. on March 25 to discuss the best method to control the levels of tar and nicotine in cigarettes and the organization of an expanded inter-disciplinary tobacco research program.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Md. 20014 (301—496-6616) will provide substantive program information.

Dated: March 2, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-4558 Filed 3-8-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-220]

CERTAIN HUD EMPLOYEES IN REGION VIII (DENVER)

Redelegation of Authority To Administer Oaths

Each of the following incumbent employees and their successors in the Department of Housing and Urban Development, Region VIII (Denver, Colo.), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a), and to verify complaints filed under the Civil Rights Act of 1968:

1. Equal opportunity specialists.
2. Housing opportunity officer.
3. Contract compliance employment officer.
4. Title VI—Complaint compliance officer.
5. Secretary to Assistant Regional Administrator for Equal Opportunity.

(Redelegation of authority by Regional Administrator effective January 22, 1971; 36 FR 11821, June 19, 1971.)

Effective date. This redelegation of authority shall be effective as of January 22, 1973.

ROBERT U. BARELA,
Assistant Regional Administrator for Equal Opportunity, Region VIII.

[FR Doc.73-4617 Filed 3-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-39N]

SHELL OIL 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 provisions 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 Shell Oil Company of 1 Shell Plaza, Houston, TX 77001, incorporated under the laws of the State of Delaware, did on February 14, 1973, 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 CG-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, on February 19, 1973, issued to the Shell Oil Co. a certificate of compliance on Form CG-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: March 2, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-4556 Filed 3-8-73;8:45 am]

Federal Aviation Administration

APPLICATION OF AREA NAVIGATION IN NATIONAL AIRSPACE SYSTEM

Policy Regarding Implementation of Area Navigation Concepts Recommended By Joint FAA/Industry Task Force

Correction

In FR Doc. 73-4366, appearing at page 6093 for the issue for Tuesday, March 6, 1973, the fifth paragraph should read as follows:

Any interested person who wishes to express his views or comment with respect to this report may do so by submitting them in writing to the Federal Aviation Administration, Air Traffic Service, Chief, Automation Division, AAT-500, 800 Independence Avenue SW., Washington, DC 20591. Individual copies of the report may be obtained from the above address. All communications received prior to May 31, 1973, will be considered in the formulation of a final policy.

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

RECOMMENDATIONS REGARDING PERSONNEL POLICIES AND PROBLEMS

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective Jan-

uary 5, 1973, notice is hereby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held on: Wednesday and Thursday, March 14 and 15, 1973.

The meeting will convene at 1 p.m. and will be held in the Tack Room, Airlie House, Warrenton, Va.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this scheduled meeting the Council will establish its specific priority areas of concern for the next several months and develop work plans for study and deliberations with regard to those areas.

The meeting will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street NW., Washington, DC 20415, Attention: Executive Secretary.

E. C. WAKHAM,
Executive Secretary, Advisory Council on Intergovernmental Personnel Policy.

MARCH 6, 1973.

[FR Doc.73-4622 Filed 3-8-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 (NEPA) and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed actions for continuation of construction permit CPPR-70 and the issuance of an operating license for Duane Arnold Energy Center by Iowa Electric Light & Power Co. in Fayette Township, Linn County, Iowa, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Cedar Rapids Public Library, 428 Third Avenue SE., Cedar Rapids, IA 52401. The final environmental statement is also being made available at the Office of Planning and Programing, State Capitol, Des Moines, Iowa 50319, and the Linn County Regional Planning Commission, Courthouse, Cedar Rapids, Iowa 52401.

The notice of availability of the draft environmental statement for the Duane Arnold Energy Center, and requests for comments from interested persons was published in the FEDERAL REGISTER on November 22, 1972 (37 FR 24842). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 5th day of March 1973.

For the Atomic Energy Commission.

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

[FR Doc.73-4548 Filed 3-8-73;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice and Order Scheduling Prehearing Conference

In the matter of Northern States Power Co. (Monticello Nuclear Generating Plant), Docket No. 50-263.

Notice is hereby given that, in accordance with the Commission's "Notice of Hearing on a Facility Operating License", dated December 19, 1972, and published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28544), a prehearing conference will be held in the above-captioned proceeding on Wednesday, March 28, 1973, at 10 a.m., local time, in Courtroom 4, U.S. Federal Courthouse, 316 North Roberts Street, St. Paul, MN 55101.

The prehearing conference shall deal with the following matters:

1. Further identification and clarification of the issues.

2. The status of any discovery initiated by the parties.

3. The need for further discovery, and the time required to complete preparation for the evidentiary hearing.

4. Any pending motions.

5. Scheduling of the evidentiary hearing.

The attorneys for the respective parties are directed to confer in advance of the prehearing conference, in such manner as they deem appropriate, and to report to the licensing board at said conference on any stipulations regarding matters in controversy, on any informal discovery that can be arranged between the parties, and on any other mutually agreeable procedures to expedite this proceeding.

Members of the public are welcome to attend the prehearing conference. However, no evidence will be received at the prehearing conference on March 28, 1973, which will consist of a conference of counsel for the various parties with the board to develop procedures for the evidentiary hearing which will be scheduled for a later date. Members of the public are invited to attend the evidentiary hearing, at which time statements of persons making limited appearances will be received. Notice of the date of the commencement of the evidentiary hearing wil be given, both by publication in the FEDERAL REGISTER and by notice sent by mail directly to all members of the public who have requested to be so notified.

Issued at Washington, D.C., this 5th day of March 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73-3843 Filed 3-8-73;8:45 am]

[Dockets Nos. 50-259, etc.]

TENNESSEE VALLEY AUTHORITY

Notice of Conclusion With Respect to Issuance of Operating License and Continuation of Construction Permits

The Tennessee Valley Authority (the licensee), an agency of the Federal Government, is the holder of Provisional Construction Permits Nos. CPPR-29, CPPR-30, and CPPR-48, issued by the Atomic Energy Commission (Commission) on May 10, 1967, and July 31, 1968, respectively. The construction permits authorize the licensee to construct three boiling-water nuclear reactors designated as the Browns Ferry Nuclear Plant Units 1, 2, and 3, at the licensee's site in Limestone County, Ala. Each reactor is designed for initial operation at steady-state power levels not to exceed 3,293 megawatts thermal.

On September 1, 1972, in accordance with the provisions of the National Environmental Policy Act of 1969, the licensee issued an environmental statement prepared by it which evaluated the effects on the environment of the construction and operation of units 1, 2, and 3. A notice of availability of the environmental statement was published in the FEDERAL REGISTER on September 23, 1972 (37 FR 20052).

In accordance with the provisions of section C of Appendix D of 10 CFR Part 50 of the Commission's regulations and based on the information contained in that environmental statement which includes the weighing of the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, the Director of Regulation has concluded

with respect to environmental matters that the construction permits issued for units 2 and 3 should be continued and that an operating license should be issued for unit 1. Copies of the licensee's document entitled "Environmental Statement, Browns Ferry Nuclear Plant, Units 1, 2, and 3—Volumes 1, 2, and 3," are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545 and at the Athens Public Library, South and Forrest, Athens, Ala. 35611.

Dated at Bethesda, Md., this 5th day of March 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director, for Reactor Projects, Directorate of Licensing.

[FR Doc.73-4549 Filed 3-8-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed continuation of the construction permit for the Davis-Besse Nuclear Power Station, currently under construction by The Toledo Edison Co. and The Cleveland Electric Illuminating Co. in Ottawa County, Ohio, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Ida Rupp Public Library, Port Clinton, Ohio 43452. The final environmental statement is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street, second floor, Columbus, OH 43215.

The notice of availability of the draft statement for the Davis-Besse Nuclear Power Station, and requests for comments from interested persons was published in the FEDERAL REGISTER on November 25, 1972, 37 FR 25065. The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final statement.

Single copies of the final statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this fifth day of March 1973.

For the Atomic Energy Commission.

R. S. CLEVELAND,
Acting Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.73-4547 Filed 3-8-73;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority of 10 CFR 2.787(a), the chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman
Dr. John H. Buck, Member
Dr. Lawrence R. Quarles, Member

Dated: March 2, 1973.

MARGARET E. DU FLO,
Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-4507 Filed 3-8-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 17245]

ABC AIR FREIGHT, INC., ET AL.

Notice of Postponement of Hearing

ABC Air Freight, Inc. v. Flying Tiger Line, Shulman, Inc., and WTC Air Freight Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled matter scheduled to be held on March 13, 1973 (38 FR 4433, Feb. 14, 1973), is hereby indefinitely postponed.

Dated at Washington, D.C., March 5, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-4619 Filed 3-8-73;8:45 am]

[Docket No. 24412]

SERVICE TO RICHMOND CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding originally noticed for March 20, 1973 (38 FR 4284, Feb. 12, 1973), has been postponed. It will be held on April 10, 1973, at 10 a.m. (local time), in room 503, Universal Building, 1825 Connecticut Avenue NW, Washington, DC.

The time for filing answers is extended to March 30, 1973.

Dated at Washington, D.C., March 6, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-4618 Filed 3-8-73;8:45 am]

[Docket No. 25279; Order 73-3-6]

SHULMAN AIR FREIGHT, INC. AND EMERY AIR FREIGHT CORP.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March 1973.

By tariff filed [1] Februray 2 and marked to become effective March 6, 1973, Shulman Air Freight, Inc. (Shulman) proposes to establish rules and rates for expedited movement of small packages under a service to be called "SkyCab Service." The service would be limited to shipments of 50 pounds or less, and having a total circumference (length plus width plus height) of 90 inches and a value of $50 unless a higher value, not exceeding $10,000, is declared.[2] The special services provided are indicated in the tariff to consist of (1) special dispatch of pickup and/or delivery vehicle, (2) forwarding to provide earliest arrival, (3) "constant" surveillance and protection of the shipment through segregation from other shipments, (4) pickup within 75 minutes from time forwarder receives the shipper's instructions and dispatch of delivery vehicle within 30 minutes from the time that the shipment is made available by the direct air carrier, and (5) at shipper's request and subject to an additional charge, telephone notification of time of delivery.

The rates proposed are quoted in three ways: Door-to-door, origin airport-to consignee's door, and consignor's door-to-destination airport. The rates would be roughly twice the rates for standard general commodity shipments, with the door-to-door rates somewhat higher than the rates including only pickup or delivery service. The tariff provides that, in cases that the forwarder does not provide all of the foregoing services, a refund of half of the charges would be made for door-to-door shipments and of $15 per shipment for those transported on a door-to-airport or airport-to-door basis.

The refund for shipments on a door-to-airport or airport-to-door basis appears inadequate and raises question of reasonableness and unjust discrimination. The anomaly in the refund schedule is further brought out by a comparison with the refund for door-to-door shipments. In the case of nonperformance of any of the special services offered in the tariff, the charges for door-to-door shipments will actually be less than the charges for the former. For example, the door-to-door tariff charge proposed for markets in Shulman's scale 8 is $111, of which half will be refunded in case of nonperformance, leaving $55.50 as the charge paid. For service without pickup or delivery, the charge proposed is $105.50, of which $15 is refunded, leaving $90.50 as the charge paid, or 65 percent more for less service. Shulman presents no support for the foregoing differences.

In the above circumstances, the Board finds that the proposed tariff may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the tariff should be suspended pending investigation.

[1] Shulman Air Freight, Inc. Tariff C.A.B. No. 11.

[2] Additional charges are provided for values above $50.

Emery Air Freight Corp. (Emery) already has in effect a tariff rule offering at additional charges expedited small package service, called VIP service.[1] This rule provides for services similar to Shulman's proposal, but does not contain any provision offering any refund in case of nonperformance of the special services listed.

We believe that there is no justification for Emery's omission of a refund rule with respect to a premium service for which additional charges are made. The Board, by Order 70-10-140, dated October 29, 1970, suspended pending investigation a small package tariff rule proposed by Western Air Lines, Inc., that contained no refund provision, stating, inter alia, that it "sees no reason why a carrier should be allowed to offer a special service at a premium rate, and then not provide for a refund to shippers in the event of nonperformance of that service."

Consistent with the above, and upon consideration of all relevant matters, the Board also finds that Emery's VIP Service rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered that.

1. An investigation is instituted to determine whether the provisions in Rule No. 150 on 2d Revised Page 14-A, 2d Revised Page 14-B, 1st Revised Page 14-C, 1st Revised Page 14-D, 3d Revised Page 14-E, 3d Revised Page 14-F, and 10th Revised Page 15 of Emery Air Freight Corp.'s C.A.B. No. 45 including subsequent revisions and reissues thereof, and Shulman Air Freight, Inc.'s C.A.B. No. 11, and rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or othrewise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Shulman Air Freight, Inc.'s C.A.B. No. 11 is suspended and its use deferred to and including June 3, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 25379 be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with Shulman Air Freight, Inc.'s tariff and served upon Emery Air Freight Corp. and upon Shulman Air Freight, Inc., which are hereby made parties to Docket 25279.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4620 Filed 3-8-73;8:45 am]

[1] Emery Air Freight Corp., Tariff C.A.B. 45, Rule 150.

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

PROCUREMENT LIST

Notice of Proposed Additions to the Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to Create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities to the Initial Procurement List published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

CLASS 6530

Bag, Patient's Effects	6530-715-0915

CLASS 8460

Suitcase, Cotton Duck, Sage Green	8460-391-0502

Not later than April 9, 1973, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, VA 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-4651 Filed 3-8-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 15A]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by Cost of Living Council Order No. 14 (38 FR 1489, Jan. 12, 1973), it is hereby ordered as follows:

There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), or his duly authorized agent, the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with Section 206 of the Economic Stabilization Act of 1970, as amended, for the purpose of exercising, with respect to rentals of residential real property, any authority delegated to the Commissioner by Cost of Living Council Order No. 15 (38 FR 1489, Jan. 12, 1973).

The authority hereby delegated is in addition to the authority delegated to the Commissioner by Cost of Living Council Order No. 15.

Issued in Washington, D.C., on March 5, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-4513 Filed 3-8-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from February 26 through March 2, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-447-7803.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Final, February 22

New Beet Sugar Area, Hillsboro, N. Dak., and Minnesota. The proposed action is the commitment (under the Sugar Act of 1948) of 30,000 acres of Red River Valley to the production of sugar beets, which will serve a new-beet processing facility in Hillsboro, N. Dak. Counties involved are Traill, Cass, and Walsh in North Dakota, and Norman in Minnesota. (31 pages) Comments made by: EPA. (ELR Order No. 00294) (NTIS Order No. EIS 73 0294-F)

FOREST SERVICE

Draft, February 27

Herbicide Use * * * Malheur, Umatilla, Wallowa-Whitman, Oreg., Counties: Several. The statement refers to the proposed use of the herbicides 2,4-D, 2,4,5-T, 2,4,5-TP, Amitrole T, Dicamba, and Picloram on the three national forests in northeastern Oregon. Counties affected will be Baker, Harney, Morrow, Grant, Malheur, Umatilla, Union, Wallowa, and Wheeler. The chemicals will be used in reforestation, site preparation, utility and road right-of-way maintenance, range revegetation and noxious weed and poison plant control. The herbicides will be put into the environment in varying amounts; nontarget species will be affected. (381 pages) (ELR Order No. 00323) (NTIS Order No. EIS 73 0323-D)

Final, February 28

Fish Creek Winter Sports Site, Alaska. The statement refers to the proposed development of 3,400 acres of the Tongass National Forest as a winter sports site. The area will have a potential capacity of from 4,000 to 5,000 skiers. Development of the area, which is 3 miles from the Juneau Airport, will affect soil and water quality, displace some wildlife, and could lead to uncontrolled development on adjacent (private) lands. (191 pages) Comments made by: DOC, COE, EPA, HUD, DOI, DOT, State and regional agencies,

and concerned citizens. (ELR Order No. 00322) (NTIS Order No. EIS 73 0322–F)

Final, February 9

Port of Cascade Locks Aerial Tramway, Oregon, County: Hood River. The statement refers to the proposed issuance of a Special Use Permit to the Port of Cascade Locks for the construction, operation, and maintenance of an aerial tramway in the Columbia River Gorge. Some species of wildlife would be displaced in the immediate vicinity of the upper terminal. The introduction of visitors by mechanical means to a point of land now seldom visited will affect the ecosystem of the area. (289 pages) Comments made by: USDA, DOC, COE, EPA, DOI, DOT, State, local, and regional agencies of Oregon and Washington, and concerned citizens. (ELR Order No. 00258) (NTIS Order No. EIS 73 0258–F)

Final, February 27

Herbicide Use * * * Siuslaw, Umpqua, and Suskiyou National Forests, Oreg. and Calif. The statement refers to the proposed use of herbicides on the Siuslaw, Umpqua, and Siskiyou National Forests, in order to reduce the volume of native vegetation where it hampers forest management activities. The agents to be used (on approximately 40,000 acres of forest) are 2,4-D; 2,4,5-T; 2,4,5-TP, Amitrole-T, Atrozine; Picloram; and Dicamba. The spraying will temporarily reduce forage for big game, subject nectar feeding insects to toxic effects, and eliminate food and cover for those small animals which have limited home ranges. (approximately 500 pages) Comments made by: USDA, COE, HEW, HUD, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 00307) (NTIS Order No. EIS 73 0307–F)

Draft, February 27

Caney Creek Watershed Project, Kentucky, Counties: Butler and Gray. The statement refers to a proposed flood protection project on the 97,130 acre watershed. Project measures include 18 miles of channel works, two single purpose structures, and public recreation facilities. The project will reduce the average annual floodwater and sediment damage by 65 percent. Approximately 657 acres (some of which will be inundated), of land will be committed to the project, with adverse impacts to wildlife and agricultural uses; two residences will be displaced. (21 pages) (ELR Order No. 00311) (NTIS Order No. EIS 73 0311–D)

Draft, February 1

Knife Lake Improvement R. C. & D. Measure, Minnesota, County: Kanabec. The statement refers to a proposed project involving the use of land treatment measure on 3,570 acres and the construction of one multipurpose structure. Approximately 132 acres of land and 1 mile of stream fishery would be inundated. (43 pages) (ELR Order No. 00170) (NTIS Order No. EIS 73 0170–D)

Draft, February 1

Paint Creek Watershed Project, Oklahoma, County: Harper. The statement refers to a proposed protection project on the 15,929 acre watershed. Project measures include the use of land treatment on 3,847 acres, and the construction of one floodwater retarding structure, 1.1 miles of waterway works, and 450 feet of dike. Twenty-one acres of land will be committed to project structures; 51 acres will be inundated for use as a sediment pool. (15 pages) (ELR Order No. 00172) (NTIS Order No. EIS 73 0172–D)

Draft, February 8

Buffalo River Watershed, Virginia, County: Amherst. The statement refers to a proposed protection project on the 60,500 acre watershed. Land treatment measures will be utilized, along with two single purpose floodwater retarding structures and two multiple purpose structures, in order to reduce floodwater and sediment damages by 88 percent. Sediment entering the James River channel will be reduced by 22,000 tons annually. Four hundred and twenty-nine acres will be committed to project structures; an additional 290 acres will be intermittently inundated. (23 pages) (ELR Order No. 00215) (NTIS Order No. EIS 73 0215–D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, February 28

Transmission Lines, 230 kv., South Carolina, Counties: Several. The statement refers to the proposed use of REA loan funds for the construction by Central Electric Cooperative of: 34 miles of 230 kv. transmission line from Pinopolis to Kingstree and a 230/69 kv. substation at Darlington; 62 miles of 230 kv. line from the Robinson plant to Blythewood with a switching station at Camden; and 30 miles of line from Batesburg to Newberry. Counties involved are Berkley, Williamsburg, Darlington, Kershaw, Richland, Saluda, and Newberry. (223 pages) (ELR Order No. 00321) (NTIS Order No. EIS 73 0321–D)

SOIL CONSERVATION SERVICE

Draft, February 9

Kiokee Creek Watershed, Georgia, Counties: Columbia and McDuffie. The statement refers to a proposed protection project on the 65,290 acre watershed. Project measures include the use of conservation land treatment and the construction of two floodwater retarding structures, three multiple-purpose structures, and channel works. Erosion, siltation, and floodwater damages will be reduced. Approximately 398 acres will be permanently inundated; 521 acres will be intermittently inundated; 119 acres will be committed to project structures. (31 pages) (ELR Order No. 00222) (NTIS Order No. EIS 73 0222–D)

Draft, February 9

Narge Creek Watershed, Kentucky, County: Hopkins. The statement refers to a proposed flood protection project on the 4,205 acre watershed. Project measures include 6.2 miles of channel works. Seventy acres will be committed to the action. (20 pages) (ELR Order No. 00227) (NTIS Order No. EIS 73 0227–D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973–7373.

Final, February 22

Cooper Nuclear Station, Nebraska, County: Nemaha. The statement refers to the proposed continuation of a construction permit and the issuance of an operating permit to the Nebraska Public Power District for the new station. The station will employ a boiling water reactor to produce 2,381 MWt and 778 MWe(net), with future levels of 2,486 MWt and 813 MWe anticipated. Cooling water will be drawn from and discharged to the Missouri River (at 18° F. above ambient). The estimated total body dose to the population within 50 miles from operation of the station is 59 man-rem/yr. (302 pages) Comments made by: USDA, DOC, EPA, FPC, HEW, DOI, and DOT. (ELR Order No. 00303) (NTIS Order No. EIS 73 0303–F)

DEPARTMENT OF DEFENSE

ARMY

Final, February 28

EXOTIC DANCER VI, North Carolina, Counties: Several. The statement refers to the sixth in a series of joint exercises directed by the Joint Chiefs of Staff and conducted by the Atlantic Command. The maneuvers, expected to take place in the time period of mid-March to mid-April 1973, will involve an estimated 40,000 troops, 50 ships, and 550 aircraft. Portions of 14 counties will be affected. Adverse impacts will include increases in local ambient air, water, noise, solid wastes, rubbish, and sewage production levels. There is some danger of forest fire, which will be anticipated by the prepositioning of firefighting equipment. (118 pages) Comments made by: EPA, USDA, DOC, HEW, DOI, and DOD. (ELR Order No. 00329) (NTIS Order No. EIS 73 0329–F)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, February 8

Lawrence Flood Protection Project, Kans., counties: Douglas and Leavenworth. The statement, a revised draft, refers to the construction of two remaining units of a flood control project near the city of Lawrence. Project measures include levees, channel works, bridge replacements, road relocations, and interior drainage structures. Approximately 220 acres (95 acres of timber) and 4.7 miles of natural stream habitat would be committed to the project. Depletion of the forest cover would hinder bird migration patterns through the area. The project may encourage development on flood plain lands. (45 pages) (ELR Order No. 00216) (NTIS Order No. EIS 73 0216–D)

Final, February 6

Temporary Navigation Lock 53, Kentucky and Illinois. The statement refers to the proposed construction of a temporary navigation lock at existing Lock and Dam 53, in order to remove river traffic congestion. Riparian habitat will be adversely affected. (15 pages) (ELR Order No. 00187) (NTIS Order No. EIS 73 0187–F)

Draft, February 9

Charles River Locks and Dam, Mass. The statement refers to the proposed construction of a multipurpose earth and concrete dam, with river pumping facilities, three navigation locks, a fish ladder, and an overhead highway viaduct. Dredging will adversely affect aquatic life. (34 pages) (ELR Order No. 00226) (NTIS Order No. EIS 73 0026–D)

Huron Harbor, Ohio, county: Erie. The proposed project is the construction of a diked disposal area to receive polluted harbor sediment resulting from annual dredging operations. The action is intended to eliminate a source of pollution to Lake Erie. (33 pages) (ELR Order No. 00221) (NTIS Order No. EIS 73 0221–D)

Draft, February 13

Beaver Drainage District, Columbia River, Oreg., county: Columbia. The proposed project involves the improvement of existing flood control works. Included are

the construction of a new pumping plant and the removal of two existing plants; the raising and strengthening of levees; the installation of seepage drains; and the renovation of a tide box. Dredging operations will adversely affect riparian habitat. (42 pages) (ELR Order No. 00252) (NTIS Order No. EIS 73 0252–D)

Final, February 1

Maintenance dredging of Rochester Harbor, N.Y. The statement refers to the proposed maintenance dredging of the harbor, with the 360,000 cubic yards of spoil being deposited in Lake Ontario. Aquatic life will be adversely affected. (39 pages) Comments made by: EPA, DOC, USCG, DOI, DOT, and State, local, and regional agencies. (ELR Order No. 00169) (NTIS Order No. EIS 73 0169–F)

Final, February 28

Buena Vista, Va. The statement refers to a proposed flood protection project consisting of an 11,700-foot-long levee and floodwall, a 200-foot-wide 2,800-foot channel, a 5,700-foot drainage canal, and three closures. The covering of 65 acres with levee and the dredging of 850,000 cubic yards of fill will adversely affect local biota. (51 pages) Comments made by: USDA, EPA, and DOT. (ELR Order No. 00336) (NTIS Order No. EIS 73 0336–F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755–0940.

Draft, February 28

Cobb County Sewerage Project (Supplement), Georgia, county: Cobb. The document is a supplement to the final statement, which was filed on July 28, 1971 (NTIS Order No. PB–189 858–F; ELR Order No. 259). The supplement provides additional information on the system's expected impact to Sope Creek Watershed, and elaborates on the steps that have been taken to preserve the historic and scenic aspects of Sope Creek. (76 pages) (ELR Order No. 00339) (NTIS Order No. EIS 73 0339–D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

BUREAU OF RECLAMATION

Draft, February 6

Deep Geothermal Test Well (Supplement), California. The statement, a supplement to the final statement which was filed on May 3, 1972 (ELR Order No. 4357, NTIS Order No. PB 206 162–F), covers the drilling of eight slim temperature recording holes to depths of 6,000 feet, and 30 additional temperature recording holes to depths varying between 100 and 1,500 feet. Approximately 23.5 acres of desert will be leveled at the site; 25 miles of access road will be constructed. (10 pages) (ELR Order No. 00188) (NTIS Order No. EIS 73 0188–F).

NATIONAL PARK SERVICE

Draft, February 28

Saguaro National Monument, Ariz. The statement refers to the proposed legislative designation of 42,000 acres within the monument as wilderness, and the designation of an additional 27,100 acres as potential wilderness to be added by the Secretary of the Interior at such time that the lands qualify. There may be some restrictions placed upon visitor use of the area. (30 pages) (ELR Order No. 00325) (NTIS Order No. EIS 73 0325–D)

Draft, February 9

Little Miami River and Caesar's Creek, Ohio. The statement refers to the proposed inclusion of 64 miles of the Little Miami River and 2 miles of Caesar's Creek in the National Wild and Scenic Rivers System. The inclusion is contingent upon application from the State of Ohio as required by section 2(a)(ii) of the Wild and Scenic Rivers Act (Public Law 90–542), in which the States, by adoption of an adequate development plan and initiation of action, commits itself to protect the river in perpetuity. (46 pages) (ELR Order No. 00223) (NTIS Order No. EIS 73 0223–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—466–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, February 20

Cincinnati Municipal-Blue Ash Airport, Ohio, County: Hamilton. The statement refers to the proposed construction of a 3500' x 75' northeast/southwest runway, a connecting taxiway, holding aprons, and other supporting facilities. There will be an increase in the noise level for residents near the airport. (58 pages) (ELR Order No. 00286) (NTIS Order No. EIS 73 0286–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 27

Markham Street Parkway, Arkansas, County: Pulaski. The proposed action is to extend West Markham Street westward for 2.25 miles to intersect with Kanis Road. The roadway will provide four lanes divided by a median containing Rock Creek. Adverse effects include channel changes to Rock Creek, loss of wildlife, and increased noise and air pollution. (12 pages) (ELR Order No. 00314) (NTIS Order No. EIS 73 0314–D)

Madison North and South (US 81), Nebraska, County: Madison. The proposed project is the reconstruction of a 7.39 mile segment of U.S. Highway 81, including a proposed bypass section east of Madison. The improvements include grading, full safety sections, (roadway drainage structures, and a crossing of Union Creek. (19 pages) (ELR Order No. 00313) (NTIS Order No. EIS 73 0313–D)

Draft, February 9

I–787 Connection (Hoosick Street Bridge), New York, counties: Albany and Rensselaer. The proposed project is the construction of a multilane (eight lanes) facility (including a bridge over the Hudson River) known as the Hoosick Street Bridge. The 0.8 mile project will extend from Maplewood to Troy. Depending upon alternate chosen, the project will displace between 135 and 213 families and 34 to 41 businesses. Relocation of existing public utilities and the acquisition of a part of a church will occur. Noise and air pollution levels will increase. (179 pages) (ELR Order No. 00228) (NTIS Order No. EIS 73 0228–D)

Draft, February 27

L.R. 148, Section A17, Pennsylvania, county: Berks. The proposed project, designated as L.R. 148, Section A17, involves the relocation and reconstruction of T.R. 22 as a four-lane, divided, limited access highway from the Berks-Lancaster County line to Mohnton. Project length is 4 miles. Approximately 31 families and eight businesses will be displaced. An additional 150 acres of land is required for right-of-way. (23 pages) (ELR Order No. 00312) (NTIS Order No. EIS 73 0312–D)

Draft, February 14

I–664—Hampton Roads, Va., county: Several. The statement considers alternate corridors for the construction of proposed I–665, a bridge-tunnel water crossing of Hampton Roads. The project is proposed to connect the cities of Hampton and Newport News on the north of Hampton Roads Harbor with the cities of Portsmouth, Norfolk, and Nansemond on the southern side of Hampton Roads. The project, a six-lane, limited access divided highway, will be between 11.4 and 14.1 miles long, depending upon the route selected. Encroachment upon section 4(f) land, displacement of families and businesses, and increased air, noise, and water pollution are adverse effects of the action. (358 pages) (ELR Order No. 00265) (NTIS Order No. EIS 73 0265–D)

Final, February 8

Ahukini-Nawiliwili Cutoff Road, Route 51, Hawaii, county: Kauai. The statement refers to the proposed construction of a 1.07-mile section of highway beginning at a point on Rice Street adjoining the Lihue Industrial Park and ending at Ahukini Road west of the Lihue Airport. Right-of-way will be acquired from land that is now used exclusively for sugarcane production. Adverse effects include increased air and noise pollution and loss of local tax base. (43 pages) Comments made by: USDA, DOI, EPA, and State and local agencies. (ELR Order No. 00205) (NTIS Order No. EIS 73 0205–F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–4494 Filed 3–8–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

BENOMYL

Notice of Extension of Temporary Tolerance

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, was granted a temporary tolerance (PP 2G1197) for residues of the fungicide benomyl (methyl 1 - (butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on the raw agricultural commodity citrus fruit intended for the fresh fruit market at 10 parts per million (from preharvest and postharvest application) on January 11, 1972 (notice was published in the FEDERAL REGISTER Jan. 18, 1972 (37 FR 751)). This temporary tolerance expired January 11, 1973. The firm has requested a 1-year extension of the temporary tolerance to obtain additional experimental data.

It has been determined that:

1. This extension will protect the public health.

2. The 0.1 part per million tolerances for residues of benomyl in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep established November 29, 1972, eliminate the need to restrict application under this temporary tolerance to citrus intended for the fresh fruit market.

3. The temporary tolerance should be expressed in terms of total residues of

benomyl and its metabolites including the benzimidazole moiety (calculated as benomyl).

The tolerance is therefore extended as requested on condition that the fungicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the E. I. du Pont de Nemours & Co. name.

This temporary tolerance, as extended, expires January 11, 1974.

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 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 1, 1973.

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

[FR Doc.73-4510 Filed 3-8-73;8:45 am]

MERCK SHARP & DOHME

Notice of Filing of Pesticide and Food Additive Petitions; Correction

In FR Doc. 73-549, appearing at page 1303, of the issue of Thursday, January 11, 1973, the words "from postharvest application" should be added to the end of the first paragraph, and the second paragraph after the word "from" in the seventh line should be changed to read "postharvest application of the fungicide to citrus fruit".

Dated: March 1, 1973.

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

[FR Doc.73-4509 Filed 3-8-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PAX COMPANY ARSENIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463 notice is hereby given that a meeting of the PAX Company Arsenic Advisory Committee has been scheduled for March 12, 1973. The meeting will convene at 9 a.m., on March 12, in room 3908, Waterside Mall, 401 M Street SW., Washington, DC.

This is the second meeting of the committee. The agenda includes the executive secretary's report, committee member reports, and committee discussion and deliberation.

The meeting will be open to the public. Any individual wishing to attend and present relevant material to the committee should contact Mr. Clayton Bushong, executive secretary, PAX Company Arsenic Advisory Committee (202) 447-7823.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

[FR Doc.73-4679 Filed 3-8-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Public Meetings

MARCH 6, 1973.

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the following is a listing of March meetings of the Radio Technical Commission for Marine Services (RTCM):

Special Committee No. 64, "MF, HF, and VHF Maritime Radioteleprinter and Data Systems and Operations," 34th meeting, Tuesday, March 13, 1973, 9:30 a.m.-4 p.m., Conference Room 205, 1229 20th Street NW., Washington, DC.

Principal agenda items:

a. Report on MarAd developmental program for a Digital Selective Calling System.

b. Preparation of Comments on FCC Notice of Inquiry for 1974 Maritime Conference.

c. Discussion of Direct Printing and Data Systems.

Chairman, SC-64, H. T. Blaker, Collins Radio Co., Dallas, Tex. 75207 (Phone: 214—235-9511 (Ext. 7500)).

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service," 10th meeting, Wednesday, March 14, 1973, 9 a.m. (all day meeting), Conference Room 205, 1229 20th Street NW., Washington, DC.

Principal agenda items:

a. Status Reports on Work Assignments.

(1) Interaction between VHF guard receiver and multichannel VHF receiver.

(2) Values for Modulation Acceptance Bandwidth and Adjacent Channel Selectivity.

(3) Optional method of measuring audio power output in terms of sound pressure.

(4) Salt Fog Test.

b. Continued review of VHF Receiver Standards.

Chairman, SC-66, H. R. Smith, ITT Mackay Marine, 441 U.S. Highway 1, Elizabeth, NJ 07202 (Phone: 201—527-0300).

Special Committee No. 65, "Ship Radar," 22d meeting, Wednesday, March 14, 1973, 1:30 p.m., Conference Room 847, 1919 M Street NW., Washington, DC.

Principal Agenda items:

a. Progress Reports of Working Groups on Collision Avoidance, Basic Radar Specifications, Transponders, and Reliability.

b. Status Reports on Other Working Groups.

Chairman, SC-65, Irvin Hurwitz, Federal Communications Commission, Washington, D.C. 20554 (Phone: 202—632-7197).

RTCM Executive Committee, Thursday, March 15, 1973, 1:45 p.m., Conference Room 847, 1919 M Street NW., Washington, DC.

Principal Agenda items:

a. Progress Reports on Currently Active Committees.

b. Status Reports on Other Committees.

c. Summary Review of Recent FCC Dockets.

d. Summary Review of Preliminary Views of the United States relative to the 1974 Maritime WARC.

e. Approval of SC-64 Recommendations:

(1) Narrow-Band Direct-Printing Telegraph Equipment.

(2) Narrow-Band Direct-Printing.

(3) VHF Radioteleprinter.

f. Election of RTCM Technical Advisors.

g. Report of the Nominating Committee for Chairman of RTCM.

h. Establishment of RTCM Award for out-

RTCM Secretariat, 202—632-6490.

i. Report on 1973 and 1974 RTCM Assembly Meetings.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat, 202—632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

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

[FR Doc.73-4603 Filed 3-8-73;8:45 am]

[Docket No. 19696; FCC 73-212]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of the Western Union Telegraph Co. (Western Union), Transmittal No. 6834; and revisions of Telex Tariff FCC No. 240 and Teleprinter Exchange (TWX) Tariff FCC No. 258, Docket No. 19696.

1. On December 29, 1972, revised tariff schedules were filed by Western Union under Transmittal No. 6834 to become effective February 28, 1973.[1] These revised schedules apply to the interstate Telex and TWX services provided by Western Union throughout the United States. In the case of both Telex and TWX the basic rate elements will include an access charge, an installation charge for such access, and message or usage charges that vary with time and distance of transmission of messages. Additionally, charges will be applicable where a customer desires Western Union terminal equipment.

2. The specific changes made in the revised tariff are described briefly as follows:

a. Customers will be permitted to provide their own teleprinter terminal equipment from sources other than Western Union subject to certain technical limitations to prevent electrical interference in the Telex and TWX services;

b. Two new rate elements are added to the tariff; an "access charge" which will be applicable to all customers, and a "terminal charge" which will be applicable only to customers who choose to lease terminal equipment from Western Union.

c. The installation, move, and monthly rental charges for both Telex and TWX terminal equipment are increased;

d. The Telex usage charge is increased by eliminating a quantity discount now allowed under the present tariff; and

e. A new regulation is added to the effect that customers may terminate

[1] A petition for suspension and investigation was filed by the Secretary of Defense on Feb. 14, 1973, as was a petition for rejection and suspension by Western Union International, Inc. A reply was filed by Western Union on Feb. 20, 1973. These petitions have been considered in our disposition of this matter.

Telex and TWX services on 30 days' written notice to Western Union.

3. Western Union estimates that (a) the overall effect of the entire package tariff revisions will be to produce additional revenues of about $12 million in 1973, $14.5 million in 1974 and $16.3 million in 1975; (b) the increased revenues will increase the overall level of earnings of Western Union from a current level of 5.4 percent to 6.7 percent in 1973; (c) the Telex rate proposals would increase the Telex pretax earnings from 14.8 percent to 18.0 percent in 1973; and (d) the TWX rate proposals would increase the TWX pretax earnings from 8.6 percent to 12.3 percent in 1973.

4. To support its tariff revisions herein, Western Union has submitted the cost data and other information required by section 61.38 of our rules. There are two principal reasons advanced by the carrier for the revisions. With respect to the liberalization of the interconnection provisions in the Telex and TWX tariffs, the carrier states that this is being done to implement its commitment to do so at the time of the Commission's approval of Western Union's acquisition of TWX from the Bell System (24 FCC 2d 664 676). As to the rate increases and related changes the carrier contends that its current overall earnings are inadequate; and that, unless rate relief is granted in these two services where shrinkage and shifts from rate increases would be at a minimum, Western Union is faced with a decline in its overall return. The decline is caused by revisions in settlement agreements with the international Telex carriers which will reduce Western Union's Telex revenues by about $2.2 million in 1973, and the need to finance already committed new plant and equipment totaling about $3.9 million in 1973 and $12.4 million in 1974 in the Telex and TWX services.

5. The increase in the Telex rates amounts to an increase of about 10 percent. This is the fourth increase in the rates for that service over the past 6 years (4 percent in 1967; 10.6 percent in 1969; 8.8 percent in 1971). Western Union estimates a pretax earnings for Telex of 19.2 percent in 1972 and 18 percent in 1973 with the proposed increase. The TWX rate increase is the first by Western Union following the acquisition of that service from the Bell System. The estimated pretax returns from TWX is 7.8 percent for 1972 and 12.3 percent for 1973 with the proposed increases. On the basis of Western Union's current earnings level of 5.4 percent applicable to its total operations, it would appear that there may well be justification for appropriate revenue relief. However, we are of the opinion that the magnitude and nature of these increases present questions of lawfulness that should be resolved by investigation and hearing.

6. The liberalization of the tariffs for interconnection of customer-provided terminal equipment appears in general to be in keeping with the principles of our decision in Carterfone and we regard it as a forward step toward more effective use by the public of Western Union's services. There are, however, certain questions raised with respect thereto. For example, the new "access charge" will apply to all customers whether they use carrier or noncarrier terminal equipment, even though the "access charge" covers, in part, costs that are generated only by customers using noncarrier terminals; the Telex subscribers in some cases may provide their own network signaling unit whereas no TWX subscriber may do so; Western Union appears to disclaim all liability for transmission of signals sent or received by noncarrier terminal equipment; and Western Union proposes to maintain customer-provided terminal equipment on an undefined lease or maintenance basis at charges not shown in the tariffs. Accordingly, we are of the opinion that these questions should be resolved on the basis of a hearing record.

7. In view of the foregoing, we are unable to conclude at this time that all features of the tariff revisions are just and reasonable and free of undue discrimination within the meaning of section 201(b) and 202(a) of the Act or that the proposal of the carrier to impose charges not in the tariffs is in the conformity with section 203 of the Act. We shall therefore designate the revised tariff schedules for investigation and shall suspend the effectiveness thereof and enter an accounting order providing for possible refund. However, in view of the carrier's current earnings situation, the desirability of allowing customers the benefit of the proposed liberalized interconnection policy at an early date, and the protection afforded customers by the accounting and refund order we are providing herein, we will suspend the said tariff schedules for a period of 1 day.

8. In the present case, we believe it desirable that the Administrative Law Judge render an initial decision and that the trial staff of the Common Carrier Bureau be separated from both the Commission and the Administrative Law Judge. As we have previously explained, 32 FCC 2d at page 90, the separation of the trial staff simply means that such staff: (1) Will not make any oral presentations to the Administrative Law Judge or the Commission without the other parties being present, and (2) will not make any written presentations to the Administrative Law Judge or the Commission which are not served on the other parties.

9. *Accordingly, it is ordered,* That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by the Western Union Telegraph Co. submitted with Transmittal No. 6834 including any cancellations, amendments, or reissues thereof; and no changes shall be made in such tariff schedules during the pendency of this proceeding without prior approval by the Commission;

10. *It is further ordered,* That, pursuant to the provisions of section 204, the tariff schedules filed by the Western Union Telegraph Co. submitted with Transmittal No. 6834 are hereby suspended until March 1, 1973, and that Western Union, as to the operation of such tariff schedules, shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as aforesaid as the Chief, Common Carrier Bureau, shall require;

11. *It is further ordered,* That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and part 61 (47 CFR Part 61) of our rules implementing that section;

(4) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

12. *It is further ordered,* That, the hearing in this proceeding shall commence at the Commission offices in Washington, D.C., at a time to be specified by the presiding Administrative Law Judge; and that such Administrative Law Judge shall, upon the closing of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282 and that the trial staff of the Common Carrier Bureau be separated both from the Commission and from the Administrative Law Judge;

13. *It is further ordered,* That, the petitions for suspension and investigation and for rejection or suspension are

granted to the extent noted herein and otherwise denied.

14. *It is further ordered*, That, the Western Union Telegraph Co. is named party respondent.

Adopted: February 21, 1973.

Released: March 6, 1973.

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

[FR Doc.73-4602 Filed 3-8-73;8:45 am]

[Docket Nos. 19468, etc.; FCC 73R-69]

WIOO, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of WIOO, Inc., Carlisle, Pa., Docket No. 19468, File No. BPH-6572; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGowan & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH-6631; Alexander Contract and Sylvia Contract, doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH-7404, for construction permits.

1. In a petition to enlarge issues, WIOO, Inc., argues for the addition of an issue questioning whether Cumberland Broadcasting Co., in its original application, incorrectly represented the terms and conditions of a loan commitment from Mr. James Line.[2] The petition is supported by an affidavit from Mr. Line stating that he agreed to make the loan because he was promised an ownership interest in the station after it was granted. The application made no reference to an ownership interest. Mr. Contract, the principal of Cumberland who made the agreement with Mr. Line, denies that any ownership interest was promised. While good cause for the late filing of this petition has not been established, a serious public interest question bearing on the qualifications of Cumberland Broadcasting to be a licensee of the Commission has been raised which cannot be resolved except through a hearing in view of the conflicting statements revealed in the affidavits. Therefore, an appropriate issue will be added.

2. *Accordingly, it is ordered*, That the petition to enlarge issues, filed by WIOO, Inc., on November 7, 1972, is granted and the issues are enlarged as follows:

To determine whether in filing its original application, Cumberland Broadcasting Co. misrepresented the terms and conditions of the loan commitment from Mr. James Line and to determine the effect thereof on Cumberland Broadcasting Company's basic and/or comparative qualifications to be a licensee of the Commission.

3. *It is further ordered*, That the burden of proceeding with the introduction of evidence on this issue shall be upon WIOO, Inc., and that the burden of proof shall be upon Cumberland Broadcasting Co.

Adopted: February 7, 1973.

Released: February 7, 1973.

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

[FR Doc.73-4604 Filed 3-8-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE ON ENVIRONMENTAL ASPECTS

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street, NW., Washington, DC; 9:30 a.m., March 15, 1973, room 2043.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of the meeting.

A. Discuss and implement the decision taken by the Technical Advisory Committee on Conservation of Energy relating to proposed policy recommendations.

B. Discuss the policy aspects of conservation of energy.

C. Other business.

D. Date of next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4727 Filed 3-8-73;11:53 am]

NATIONAL GAS SURVEY; TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Agenda of Meeting

Meeting to be held in conference room 2043 of the Federal Power Commission, 441 G Street NW., Washington, D.C., March 13, 1973—9 a.m.

Presiding: Mr. Thos. H. Jenkins (Acting), FPC Survey Coordinating Representative and Secretary.

1. Meeting call to order—Mr. Jenkins.

2. Objectives and purposes of meeting:

A. Review of recent developments of the transmission-technical advisory task force-regulation and legislation—Dr. George P. Kirby, Director, transmission-technical advisory task force-regulation and legislation.

B. Review of draft report of transmission-technical advisory task force-regulation and legislation—Dr. Kirby.

C. Status of assigned work and estimated date for completion—Mr. Jack D. Head, Deputy Director, transmission-technical advisory task force-regulation and legislation.

D. Discussion of environmental aspects concerning the work of the transmission-technical advisory task force-regulation and legislation—Mr. Head.

E. Other business and next meeting date.

3. Adjournment—Mr. Jenkins.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the task force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4578 Filed 3-8-73;8:45 am]

[Docket No. R-432]

ALABAMA POWER CO. ET AL.

Order Denying Petition for Amendment of Regulations

MARCH 2, 1973.

On January 16, 1973, Petitioners[1] filed a Petition for Amendment of § 141.61 of the Commission's regulations under the Federal Power Act.[2] Petitioners request that the filing requirements of Form 423, as promulgated under Order No. 453, be revised to (1) require the reporting of average cost of fossil fuels, rather than actual prices, and (2) eliminating the reporting of identity of the fuel supplier and that date of contract expiration. In the alternative, Petitioners request that Form 423 data should be made available only to Commission members or other Federal agencies.

Petitioners filed comments under Docket No. R-432, from which Order No. 453 and Form 423 emanated. Petitioners did not seek rehearing of Order No. 453, but instead are utilizing § 1.7(b) of the Commission's rules of practice and procedure to collaterally attack that order. Order No. 453 is pending on review before the U.S. Court of Appeals for the District of Columbia Circuit,[3] which court has exclusive jurisdiction to affirm, modify or set aside that order.[4] Peti-

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[1] Chairman Burch issuing a separate statement in which Commissioners Robert E. Lee, H. Rex Lee, Reid, Wiley, and Hooks join; Commissioner Johnson concurring in part and dissenting in part and issuing a statement. Both statements filed as part of the original document.

[2] The petition was filed on Nov. 7, 1972; Cumberland filed an opposition on Nov. 22, 1972; on Nov. 22, 1972, the Broadcast Bureau filed comments supporting the petition; and a reply was filed by WIOO on December 11, 1972. Memorandum and order enlarging issues was published Mar. 2, 1973 (38 FR 5683).

[1] Alabama Power Co., Carolina Power & Light Co., Central Hudson Gas & Electric Corp., Consumers Power Co., Duke Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co., The Montana Power Co., New England Power Co., New Jersey Power & Light Co., Pennsylvania Electric Co., Public Service Electric & Gas Co., Rochester Gas & Electric Corp., South Carolina Electric & Gas Co., Utah Power & Light Co., Wisconsin Electric Power Co.

[2] Such petitions are permitted under § 1.7 (b) of the Commission's rules of practice and procedure.

[3] National Coal Association v. F.P.C., CADC, No. 72-1919.

[4] Section 19(b) of the Natural Gas Act.

tioners, due to their failure to seek rehearing of Order No. 453, are precluded from seeking court review.[6] We are of the opinion that to amend regulations prescribed under an order subject to judicial review is tantamount to our usurpation of the appellate court's jurisdiction. Accordingly, we deny the petition to amend for lack of jurisdiction.

In support of their position, Petitioners contend that (1) they will be at a competitive disadvantage in negotiating contracts since fuel suppliers will have access to specific price data under Form 423, (2) disclosure of such data violates "U.S. v. Container Corp. of America," 393 U.S. 333 (1969), and (3) the purposes of Form 423 can be achieved without public disclosure. Assuming *arguendo* our jurisdiction to grant the relief requested by Petitioners, we deny the proposed amendments for the reasons stated herein.

Petitioners argue for strict application of antitrust laws to electric utilities and would preclude the Commission from considering whether or not disclosure of such data serves the overriding public interest. In regulated industries, increased competition may sacrifice efficiency and retard the investment required for orderly growth and development so as to be contrary to the public interest. Competition among utilities need not be the primary consideration in determining how to achieve our economic, social, and environmental objectives.[7] The application of antitrust policy to public utilities requires a balancing of the public interest in energy supply at a reasonable price so as to achieve the most efficient allocation of our limited resources against the potential anticompetitive effects of the proposed action. Under Form 423, there is no agreement to exchange price information in violation of the Supreme Court's holding in "U.S. v. Container, supra.," when, as here, such information is made available to buyers as well as sellers, and to regulatory commissions, other Government agencies, and the public, generally. We refuse to apply a per se antitrust rationale to electric utilities, without further inquiry into the competitive effects of the disclosure of such data. To the extent that fuel suppliers tacitly agree among themselves to fix or interfere with the prices paid by utilities, the Department of Justice can invoke the sanctions of the Sherman Act. Our determination is not in the context of immunizing any alleged antitrust violations,[8] but is a determination that disclosure of such data, absent a showing to the contrary, serves the public interest.

Assuming arguendo that the Container rationale is applicable to Form 423 and that certain anticompetitive restraints do develop, Petitioners ignore the "Government action" of the Commission in requiring such disclosure for the benefit of the public.[9] Moreover, Petitioners cannot allege, as is implied in their motion, that the Commission violated the antitrust laws through the disclosure of Form 423.[9]

In the alternative, Petitioners contend that Form 423 is entitled to confidential treatment under exception 4 of the Freedom of Information Act, 5 U.S.C. section 552(b)(4), which covers trade secrets and commercial or financial information. We reject this contention.[10] Disclosure will not undermine the competitive positions of utilities. Moreover, inasmuch as elective utilities perform a public service, any determination of the need for confidentiality must recognize that distinction from the nonregulated sector.

Petitioners offer to prove that Form 423 has injured electric utilities and their customers in fuel contract negotiations and request that a public hearing be convened. We will grant petitioners the opportunity to submit a written offer of proof. However, even if injury has occurred, petitioners must show that such injury outweighs the public benefit from full disclosure.

The Commission orders that:

(A) The petition of certain electric utilities for amendment of Commission's regulations with respect to Form No. 423 is denied for lack of jurisdiction, or in the alternative, denied for the reasons set forth above.

(B) Petitioners may file an offer of proof, under oath, on or before April 2, 1973, setting forth facts and other circumstances to support its allegation that disclosure of data under Form 423 has resulted in injury to electric utilities and that such injury outweighs the public benefit from full disclosure and the relief which the Commission can grant, if any.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4567 Filed 3-8-73;8:45 am]

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[6] Section 19(a) of the Natural Gas Act.

[7] E.g., F.C.C. v. RCA Communications, Inc., 346 U.S. 86, 91-96 (1953); Utility Users League v. F.P.C., 394 F. 2d 16 (CA7), cert. denied 393 U.S. 953 (1968); Union Leader Corp. v. Newspapers of New England, Inc., 284 F. 2d 582 (CA1, 1960); S.S.W., Inc. v. Air Transport Association, 191 F. 2d 658, 666 (1951), cert. denied 343 U.S. 955 (1952); New State Ice Co. v. Liebman, 285 U.S. 262 (1932), dissent of Justice Brandeis at 281.

[8] Cf. Silver v. NYSE, 373 U.S. 341, 360-61 (1965). Pan American World Airways, Inc. v. U.S., 371 U.S. 296, 305-09 (1963). See also Port of Boston Marine Terminal Assn. v. Rederiaktiebolaget Transatlantic, 400 U.S. 62, 71-72 (1970).

[9] E.g., California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972) and the Noerr-Pennington rationale; Parker v. Brown, 317 U.S. 341 (1943); Semke v. Enid Automobile Dealers Assn., 456 F. 2d 1361 (CA10, 1972); Alabama Power Co. v. Alabama Electric Coop., Inc., 394 F. 2d 672 (CA5, 1968). See particularly Gas Light Co. of Columbus v. Georgia Power, 440 F. 2d 1135 (CA5, 1971); Washington Gas Light Co. v. VEPCO, 438 F. 2d 248 (CA4, 1971). Compare Woods Exploration and Producing Co., Inc., v. ALCOA, 438 F. 2d 1286 (CA5), cert. denied 404 U.S. 871 (1971).

[9] The Federal Power Commission is not a "person" as defined in section 8 of the Sherman Act.

[10] See E. W. Bliss Co. v. Struthers-Dunn, Inc., 408 F. 2d 1108 (CA8, 1969). Cf. Central Specialties Co. v. Schaefer, 318 F. Supp. 855 (N.D. Ill. 1970).

[Docket No. E-7925]

CINCINNATI GAS & ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Providing for Hearing and Granting Intervention

MARCH 1, 1973.

On December 19, 1972, Cincinnati Gas & Electric Co. (CG&E) tendered for filing a revised rate applicable to the Union Light Heat & Power Co.[1] (Union), a wholly owned subsidiary. The amount of the proposed rate increase in $1,460,302 based on test year 1971 data. The proposed filing supersedes the present agreement[2] as supplemented. CG&E has proposed an effective date of March 1, 1973.

The proposed rate increase raises both demand and energy monthly charges from $1.80 per kw. to $2.726 per kw. and 4.28 mills per kw.-hr. to 5.012 mills per kw.-hr. respectively. In addition, the proposed filing introduces a tax clause and revises the fuel clause to increase the basing point and reflect current system efficiency. The fuel clause revision results in up dating the base cost of fuel and reducing the size of adjustment from 0.5 cents to 0.1 cent per MBTO. Also, CG&E requests a rate of return of 8 percent.

A copy of the filing was served on Union. The filing was noticed on January 23, 1973, with comments due on February 16, 1973. Union filed a petition to intervene on the grounds that Union's customers will ultimately bear the impact of the proposed increased rates, and therefore it should be a party to the proceedings to assure its customers adequate representation.

Our review of CG&E's filing indicates that certain issues are raised which may require development in an evidentiary proceeding. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

Finally, so that the Commission will have a full, complete and up-to-date record on all of the issues presented we shall require CG&E to submit cost and revenue data for calendar year 1972. In this connection we would point out that our caveat on page 7 in "Duke Power Company", Opinion No. 641 in Docket No. E-7557, is particularly appropriate, wherein we stated:

> * * * our filing requirements are not to be construed as a limitation on evidence which may be proffered as an aid to us in determining just and reasonable rates. All evidentiary material relevant to a fair determination of cost and revenue expectations may be appropriately presented in filings before us.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in CG&E's Rate Schedule FPC No. 35, as

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[1] Designated Rate Schedule FPC No. 35.

[2] Designated Rate Schedule FPC No. 2 as supplemented.

proposed in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioner for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on July 24, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in CG&E's Rate Schedule FPC No. 35 as proposed herein.

(B) At the prehearing conference on July 24, 1973, CG&E's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(C) On or before April 16, 1973, CG&E shall file cost and revenue data for the 1972 calendar year. On or before July 16, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before July 30, 1973. Any rebuttal evidence by CG&E shall be served on or before August 13, 1973. The public hearing herein ordered shall convene on August 28, 1973, at 10 a.m., e.d.t.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a final decision thereon, CG&E's proposed tariff sheets are suspended for 5 months and the use thereof deferred until August 1, 1973.

(F) The above-named petitioner is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, CG&E shall promptly serve a copy of all filings upon the above-mentioned intervenor.

(H) The Secretary shall cause prompt publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4535 Filed 3-8-73;8:45 am]

[Docket No. CP73-220]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

MARCH 2, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. (El Paso), filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, certain revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 2.

El Paso states that such tariff sheets provide for the revision of the currently effective special Rate Schedule Z-1, which is comprised of the 1963 services agreement between El Paso and Northern Natural Gas Co. (Northern) dated August 17, 1962. Such agreement provides for the daily exchange of up to 575-million cubic feet of natural gas between the parties. The purpose of the subject revision is to define the location of an additional proposed delivery point for authorized exchange quantities, known as the Woodward County Delivery Point, located in Woodward County, Okla., and to appropriately amend the provisions of the exchange agreement as related to such new delivery point. The reason for the changes is to have on file with the Commission an effective Rate Schedule Z-1 which reflects the current exchange agreement between the parties. The basis for such changes is the amendment to 1963 services agreement dated February 1, 1973, between the parties.

El Paso requests that the tariff sheets become effective on a date coincident with the date of issuance of the authorization in the concurrent application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act.

A copy of the filing has been mailed to Northern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4574 Filed 3-8-73;8:45 am]

[Docket No. CP73-221]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

MARCH 2, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. (El Paso), filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, certain tariff sheets which are designed to establish initial special Rate Schedule X-30 to its FPC Gas Tariff, Third Revised Volume No. 2.

El Paso states that such initial special rate schedule is comprised of a gas purchase and sales agreement dated January 31, 1973, between El Paso and Northern Natural Gas Co. (Northern) providing for, among other things, the limited-term sale of natural gas by El Paso to Northern in Lea County, N. Mex., and Pecos County, Tex. The special operating arrangements contemplated thereunder provide for the sale and delivery, on a best efforts basis, by Northern to El Paso of up to 75,000 Mcf per day of raw, unprocessed gas produced in Lea County, N. Mex., for which El Paso will pay a negotiated rate of 18.87 cents per Mcf. El Paso will deliver and sell to Northern, in Lea County, N. Mex., and Pecos County, Tex., on a best efforts basis, a quantity of gas equivalent to the residue gas remaining after processing the raw gas delivered by Northern. Northern shall pay El Paso a rate equivalent to the rate in effect from time to time under Rate Schedule X-1 of El Paso's FPC Gas Tariff, Original Volume No. 1. The limited-term of the special rate schedule is for the period continuing through January 31, 1976.

El Paso requests that the tariff sheets become effective on a date coincident with the date of issuance of the authorization in the concurrent application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act.

A copy of this filing has been mailed to Northern.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before March 16, 1973, file with the Federal Power Commission, 441 G Street NW., Washington, DC 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 15.10). 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 protestant 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4573 Filed 3-8-73;8:45 am]

[Docket No. CI73-568]

INEXCO OIL CO.

Notice of Application

MARCH 6, 1973.

Take notice that on February 26, 1973, Inexco Oil Co., 12th floor, Houston Club Building, Houston, Tex. 77002, filed in Docket No. CI73-568 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Seven Oaks-Hortense area, Polk County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 1,400 Mcf of gas per day for 2 years at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4563 Filed 3-8-73; 8:45 am]

[Docket No. CP73-224]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 2, 1973.

Take notice that on February 23, 1973, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Post Office Box 608, Hastings, NE 68901, filed in Docket No. CP73-224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new Winter Period Service (WPS) for Applicant's jurisdictional customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to provide WPS to its jurisdictional customers during the period from December 1 through the following March 31 of each winter under a two-part rate consisting of a WPS demand charge and a commodity charge. The application indicates that the WPS demand charge, payable in four equal installments, is equivalent to the annual contract demand charge for the appropriate rate zone currently in effect and the commodity rate is equal to the appropriate zone commodity charge currently in effect.

Applicant states that the WPS would be available to any of Applicant's existing contract demand customers who have executed a service agreement therefor providing for firm gas of a specific amount to be available to the customer in excess of the contract demand during the period between December 1 and March 31 of each heating season. Applicant proposes that this service be made available beginning with the 1973-74 heating season and estimates that the demand thereunder would be approximately 5,000 Mcf per day for said heating season.

Applicant further states that the proposed service is in accordance with the Commission's efforts to conserve natural gas since it will permit Applicant's jurisdictional customers to add new domestic and small commercial loads that develop in their respective service areas but will not encourage use of off-peak or valley gas for inferior uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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 Commissions' rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4571 Filed 3-8-73;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Filing of Substitute Tariff Sheets To Comply With Commission Order

MARCH 2, 1973.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg) on February 14, 1973, tendered for filing substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1.

The proposed revisions are described by company's transmittal letter as Substitute Original Sheets Nos. 18-C, D, and E, and Substitute First Revised Sheet No. 3-A. The substitute original sheets are stated to be revisions necessary to comply with ordering paragraph (A) of "Commission Order Conditionally Accepting Purchase Gas Adjustment Clause," issued February 5, 1973, in this docket, and are purportedly effective September 1, 1972, as per the order. The company states that these revisions delete references to unaccounted-for charge and credit calculations in determining rate adjustments under the PGA clause and provide for the flow-through of re-

funds from suppliers applicable to purchases on or after September 1, 1972. The substitute first revised sheet was purportedly designed to reflect a reduction in the commodity tariff rate of Rate Schedule EX–1 due to the revisions previously mentioned. The rate schedule with the reduction has an effective date of February 1, 1973, according to the company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4527 Filed 3–8–73;8:45 am]

[Docket No. R–432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM ELECTRIC PLANT

Order Denying Motion for Confidential Treatment

MARCH 2, 1973.

On December 22, 1972, Petitioners[1] filed a motion with the Commission to stay pendente lite the public dissemination of information required by Commission Order No. 453 to be provided on Monthly Form 423 and to hold the Forms 423 confidential. Petitioners also point out that Order No. 453 is currently on appeal with the U.S. Court of Appeals with the District of Columbia, such appeal having been taken by the National Coal Association in case No. 72–19197. In support of the Motion, Petitioners make four arguments:

(1) Order No. 453's requirement for the divulgence and dissemination of specific price information is inconsistent with holdings of the U.S. Supreme Court under the Sherman Act.

(2) Experience has now shown that the price information is being used for purposes contrary to those for which the rule was adopted and for purposes which will cause utilities and their customers to suffer irreparable injury.

(3) The purposes for which the monthly fuel cost information is purportedly needed can be satisfied by keeping it confidential.

(4) Lack of any consideration of anti-competitive consequences at the time Order No. 453 was adopted makes a stay of further disclosure pending such consideration appropriate in the public interest.

It should be noted at the outset that Petitioners made no application for rehearing of Order No. 453 itself within the allotted statutory time limit.

The courts have held that: "where an agency or court whose orders are under review has refused to stay its own orders, (they) will consider four factors, namely, whether the party seeking the stay made a strong showing that it was likely to prevail on the merits of its appeal, irreparable injury, whether issuance of a stay would substantially harm other parties, and where lies the public interest." Virginia Petroleum Jobbers Association v. F.P.C., 104 U.S. App. D.C. 106, 110, 259 F. 2d 921, 925 (1958). We are of the opinion that this test may be similarly applied in cases where motions to stay are sought before this Commission.

Petitioners have certainly not met the first test of making a strong showing that it is likely to prevail on the merits of an appeal. Appeal in this case is in fact lodged by the National Coal Association rather than by the Petitioners. Consequently it is impossible for Petitioners to meet this standard. Even viewing the standard in broader terms, Petitioners have not shown that the National Coal Association is likely to prevail on appeal.

Petitioners likewise have not shown that without such relief it will be irreparably injured. Although an allegation of irreparable injury is made, Petitioners' only attempt to support that allegation consists of a discussion of how popular Form 423 is in the Office of Public Information and an assertion that information from that form has been used in negotiating contracts. In our view neither of these establishes a case of irreparable injury.

The third criteria in the Jobbers Case requires an answer to the question: "Would the issuance of a stay substantially harm other parties interested in the proceedings?" We will assume for the sake of argument that Petitioners' third contention attempts to meet this criteria. The matter of confidentiality was raised early in the proceedings leading up to the adoption of Order No. 453. In exercising its discretion in this rulemaking, the Commission determined that it was in the public interest not to hold the information provided on Form No. 423 confidential. If we were to adopt Petitioners' view in this regard, we would simply be substituting their concept of public interest for our own and their discretion of our own. We shall not do this.

Finally, we are of the opinion the stay should not be granted because Petitioners' have failed to show that it is in the public interest to do so. The court stated in the Jobbers Case, supra, page 925:

> In litigation involving the administration of regulatory statutes designed to promote the public interest, this factor necessarily becomes crucial. The interests of private litigants must give way to the realization of public purposes. The public interest may, of course, have many faces—favoring at once both the rapid expansion of utilities and the prevention of wasteful and repetitive proceedings at the taxpayers' or consumers' expense; both fostering competition and preserving the economic viability of existing public services; both expediting administrative or judicial action and preserving orderly procedure.

Petitioners have wholly failed to show that granting a stay for this case would be in the public interest within the context of this language. The stay will therefore be denied.

The Commission orders:

The motion for confidential treatment of Form No. 423 pending further proceedings is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4570 Filed 3–8–73;8:45 am]

[1] Alabama Power Co., Carolina Power & Light Co., Central Hudson Gas & Electric Corp., Consumers Power Co., Duke Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co., The Montana Power Co., New England Power Co., New Jersey Power & Light Co., Pennsylvania Electric Co., Rochester Gas & Electric Corp., South Carolina Electric & Gas Co., Utah Power & Light Co., Wisconsin Electric Power Co.

[Docket No. RP73–83]

NORTHERN NATURAL GAS CO.

Notice of Filing of Revisions of Proposed Rate Schedule

MARCH 2, 1973.

Take notice that Northern Natural Gas Co. (Northern) on February 20, 1973, tendered for filing revisions of its Proposed Rate Schedule X–32 of its FPC Gas Tariff, Original Volume No. 2. The revision provides for an increase in rates from 27 cents per Mcf to 33 cents.

Northern states that Proposed Rate Schedule X–32 is a sales agreement between Northern and Southern Union Gas Co. and is pending Commission approval. The revised sheets are being submitted, according to the company, to bring the rate into borrowing with those Volume 2 rates that purportedly became effective December 3, 1972, by motion filed by Northern, November 27, 1972, in Docket No. RP72–127.

The company requests that the Commission waive the notice requirements of § 154.22 of the Commission's regulations and further asks that the Commission accept the revised sheets simultaneously with its acceptance of Proposed Rate Schedule X–32, if such acceptance is forthcoming.

Any person desiring to be heard or to protest said revisions should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4572 Filed 3–8–73;8:45 am]

[Docket No. E-7705]

OHIO EDISON CO.

Notice of Filing of Settlement Agreement

MARCH 2, 1973.

Take notice that the Presiding Administrative Law Judge, on February 14, 1973, certified and transmitted to the Commission the joint motion of Ohio Edison Co. (Edison) and the Municipal Intervenors (filed February 12, 1973) for approval of a settlement agreement and the hearing record in this proceeding. The agreement would resolve all issues in this proceeding. The agreement attached to the motion includes a reduction in the rate increase proposed by Edison herein and provides for refunds computed on the basis of the proposed settlement rates for the period commencing September 1, 1972, until those rates become effective.

The settlement rates would yield annual revenues from wholesale electric service of $6,904,400, representing an annual increase of $742,100, based upon sales for the 12 months ended December 31, 1970. The proposed increased rates which became effective subject to refund on September 1, 1972, were estimated by Edison to yield an annual increase of approximately $1,140,000, based upon sales for the same operating period. The parties to the agreement agree that the presently effective loadshedding provisions will be deleted and that the parties will undertake a joint study to determine the manner in which loadshedding will be carried out in the future. The parties further agree to undertake a joint effort to realign their long-term power supply relationships.

Copies of the filing have been served on all wholesale customers and interested State regulatory agencies.

Responses or comments relating to the proposed settlement agreement may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 16, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4576 Filed 3-8-73;8:45 am]

[Docket No. CI72-773]

OFFSHORE CO.

Notice of Application

MARCH 2, 1973.

Take notice that on February 20, 1973, the Offshore Co. (Applicant) Post Office Box 2765, Houston, TX 77001, filed in Docket No. CI72-773 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Co. (Sea Robin) from Block 225, Ship Shoal Area, Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Sea Robin from Block 225 at an initial rate of 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated April 27, 1972, provides for 2.5 cents per Mcf price escalations every 3 years for reimbursement to the applicant for any new or increased taxes, and for a contract term extending until January 1, 1973.

Applicant states that it was granted a temporary certificate for the subject sale of gas in Docket No. CI72-773, but that deliveries have not commenced from its interest in the subject acreage. If this application is granted, Applicant requests that its original application in this docket filed on May 26, 1972, be considered withdrawn.

Applicant asserts that the instant contract prices were reasonable at the time of execution of the contract and that contracts executed since then provide for much higher prices, including some executed intrastate sales contracts for Louisiana at prices in excess of 50 cents per Mcf. Applicant also asserts that the cost of liquefied natural gas and other nonconventional supply sources are much higher than the present proposal. Applicant alleges that the instant contract prices are needed to provide funds for increasing lease sale costs in the Southern Louisiana area and otherwise to provide funds for exploration, development, and production of needed gas supplies, thereby maintaining Applicant's financial integrity.

In the alternative, Applicant requests that this application be treated as an amendment to its existing, pending certificate application in Docket No. CI72-773 to accomplish the above-described results on a permanent basis. In such case Applicant requests that its notice of withdrawal of application be disregarded.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4566 Filed 3-8-73;8:45 am]

[Docket No. RP73-78]

ORANGE AND ROCKLAND UTILITIES, INC.

Order Accepting for Filing and Suspending Revised Tariff Sheets and Providing for Hearing

MARCH 1, 1973.

On January 31, 1973, Orange and Rockland Utilities, Inc. (O&R), filed in this docket proposed changes in its FPC Gas Tariff, Original Volume No. 1. Also included for filing were executed service agreements between O&R and New York State Electric & Gas Corp. and a wholly owned subsidiary, Pike County Light & Power Co. The proposed changes would increase revenues from jurisdictional sales and service by $66,194 based on a volume of sales for the 12 months period ending September 30, 1972. The company requests the proposed changes be made effective as of March 2, 1973. The filing was noticed on February 12, 1973, with comments due by February 22, 1973. No applications for intervention were received.

The three schedules presently in effect are Cost of Service (General) Rate CS-1, Interruptible I-1, and S-1. O&R states that the proposed changes alter the methods of allocation somewhat in order to reflect more accurately O&R's current cost of serving its wholesale customers. The rates for service delivered under Rate Schedule CS-1 have been altered to reflect a two-part demand-commodity rate. O&R further states that the two-part rate has removed the necessity of an interruptible rate and therefore O&R proposed to cancel its tariff Interruptible Service I-1. It is proposed that Rate Schedule S-1 be maintained at its historical level. The company states in its filing that the rates have been negotiated and that the company's non-affiliated customer, New York State Electric & Gas, has agreed to all aspects of the filing relating to service it receives with the exception of rate of return.

We find that the proposed change in allocation and rate design and the requested increases as to a proposed rate of return of 9 percent for O&R's jurisdictional sales to New York State Electric & Gas and Pike County Light &

Power raise certain issues which may require development in an evidentiary hearing. The proposed changes in O&R's FPC Gas Tariff, Original Volume No. 1, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in O&R's FPC Gas Tariff Original Volume No. 1 as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commision orders:

(A) The tariff sheets filed by O&R on January 31, 1973, are accepted for filing and suspended as hereinafter ordered.

(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), a public hearing shall be held, commencing with a prehearing conference on May 11, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness and reasonableness of the rates and charges contained in O&R's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended herein.

(C) At the prehearing conference on May 11, 1973, O&R's prepared testimony (Statement) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference.

(D) On or before April 30, 1973, the Commission staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by O&R shall be served on or before May 18, 1973. The public hearing herein ordered shall convene on May 30, 1973, at 10 a.m., e.d.t.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending hearing and a decision thereon the O&R tariff sheets as amended are suspended for the full statutory period and the use thereof deferred until August 1, 1973, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4533 Filed 3-8-73;8:45 am]

[Docket No. E-7986]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of Proposed Changes in Delivery Points

MARCH 2, 1973.

Take notice that the Public Service Company of Indiana (PSI) on January 10, 1973, tendered for filing a document entitled second supplemental agreement. Entered into by PSI and Jackson County Rural Electric Membership Corp. (REMC), this agreement was purportedly entered into on June 1, 1972.

PSI indicates that the purpose of this agreement is to amend exhibit "A" of a document entitled the revised principal agreement by adding two delivery points. PSI further indicates that all other terms and conditions of the revised principal agreement remain in effect.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4575 Filed 3-8-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Notice of Extension of Procedural Dates

MARCH 2, 1973.

On February 9, 1973, Sea Robin Pipeline Co. (Sea Robin) filed a motion for a revision of the procedural dates as established by the order issued November 13, 1973, in the above matter. On February 14, 1973, the Commission staff counsel filed an answer concurring conditionally to the motion but submitting a further revision of the procedural dates. On February 26, 1973, Sea Robin filed a response to the answer by the staff. Sea Robin does not oppose the procedural dates suggested by the staff but requested that the date for the service of its revised statement be extended to May 1, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Revised Statement P by Sea Robin, May 1, 1973.
Staff service date, June 12, 1973.
Intervener service date, June 26, 1973.
Sea Robin rebuttal service date, July 12, 1973.
Prehearing date, July 10, 1973 (10 a.m. e.d.t.).
Hearing date, July 24, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4526 Filed 3-8-73;8:45 am]

[Docket No. CP66-43]

TEXAS EASTERN TRANSMISSION CORP.

Order Instituting Investigation

MARCH 2, 1973.

On August 9, 1965, Texas Eastern Transmission Corp. (Texas Eastern), filed an application in this docket for a certificate of public convenience and necessity, inter alia, authorizing the construction and operation of a liquefied natural gas (LNG) storage facility to be located near the terminus of its system and for authorization to provide additional service to its customers, pursuant to its storage rate schedule. Notice of the application was issued on August 13, 1965, and published in the FEDERAL REGISTER, August 18, 1965 (30 FR 10260).

By order issued April 29, 1966, the Commission issued a certificate of public convenience and necessity to Texas Eastern authorizing the construction and operation of the LNG facility and authorization to render the proposed storage service to its customers (35 FPC 655).

By letter dated October 23, 1970, Texas Eastern notified the Commission that the LNG facility had been constructed in accordance with the plans and specifications previously submitted to the Commission. It also advised the Commission that the shakedown operation of the plant was continuing and that the plant should be ready for service for the 1970-71 heating season.

On February 10, 1973, an accident occurred at the aforesaid LNG facility, resulting in extensive loss of life and property damage.

Texas Eastern is a "natural-gas company" within the meaning of the Natural Gas Act and is, therefore, subject to the jurisdiction of the Commission.

Proper administration of our responsibilities under the Natural Gas Act, and particularly our duties to protect the public interest in actions arising under sections 3, 4, 5, and 7 thereof, require the prompt collection and preservation of evidence relating to the accident of February 10, 1973.

We are cognizant that various investigations of the accident have been instituted by appropriate governmental agencies, but none of these is directed to the particular public interest concerns vested with this Commission by act of Congress. We have no desire or intention to duplicate other investigations. The investigation hereinafter shall be of sufficient scope to fulfill our statutory responsibilities, but shall not reach matters, such as a determination of negligence or nonnegligence, which are outside of our statutory responsibilities.

The Commission finds:

It is necessary and proper in the public interest that an investigation of the aforesaid LNG facility accident be instituted by the Commission.

The Commission orders:

An investigation of Texas Eastern Transmission Corp. pursuant to the provisions of the Natural Gas Act, particularly section 14 thereof, is hereby instituted for the purpose of investigating the facts, conditions, practices or matters relating to the accident at the Staten Island, New York, LNG facility. The Commission's Bureau of Natural Gas is directed to carry on the investigation of this matter in cooperation with other public agencies involved. Texas Eastern is directed to furnish all information relating to its own investigation of this accident to the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4529 Filed 3-8-73;8:45 am]

[Docket No. CP73-225]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 2, 1973.

Take notice that on February 23, 1973, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, KY 42310, filed in docket No. CP73-225 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 2,000 Mcf of natural gas per day with Terre Haute Gas Corp. (Terre Haute) during the period ending December 15, 1973, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant and Terre Haute have entered into an agreement, dated December 8, 1972, providing for the proposed exchange. Applicant states that it will deliver natural gas to Terre Haute at certain existing delivery points in Indiana and that Terre Haute will redeliver gas on Applicant's system near Applicant's existing Terre Haute Sales Meter Station No. 5 near Brazil, Ind. Applicant states further that the only facility required will be an additional meter run at Terre Haute Station No. 5.

The application indicates that the estimated cost of the proposed facility is $3,350, which cost will be financed through available funds on hand. Terre Haute will reimburse Applicant in full for the cost of said facility.

Applicant alleges that as a result of the instant proposal, Terre Haute will be in a better position to meet its requirements, and Panhandle Eastern Pipe Line Co. will be permitted to test, during said exchange, the feasibility of the Calcutta Carbon Storage Field in Parke and Clay Counties, Ind.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4528 Filed 3-8-73;8:45 am]

[Docket No. RP73-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Purchased Gas Cost Adjustments to Rates and Charges

MARCH 2, 1973.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco) on February 14, 1973, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 to become effective April 1, 1973. Pursuant to the purchased gas adjustment clause (PGA clause) provision contained in its tariff, Transco proposes to increase its rates effective April 1, 1973, to purportedly reflect both a current purchased gas cost increase and a deferred adjustment increase.

Substitute Third Revised Sheet No. 5 and substitute First Revised Sheet No. 6 included in Appendix A of the filing reflect a rate change of 1.4 cents per Mcf which includes 0.9 cent per Mcf for a purported current gas cost increase and a deferred adjustment increase of 0.5 cent per Mcf which, according to the company, is to recoup the balance in its unrecovered purchased gas cost account. According to Transco, the 0.5 cent per Mcf deferred adjustment increase will not fully clear the unrecovered purchased gas cost account in the 6-month period subsequent to April 1, 1973, and Transco requests a waiver of its PGA clause to make this increase effective.

Should there be any objection to the 1.4-cent-per-Mcf increase, Transco, in the alternative, tendered for filing alternate substitute Third Revised Sheet No. 5 and alternate substitute First Revised Sheet No. 6 included in Appendix A reflecting a rate change of 1.7 cents per Mcf which includes the same 0.9 cent per Mcf current gas cost increase and 0.8 cent per Mcf deferred adjustment increase purportedly calculated strictly in accordance with Transco's PGA clause.

The company states that copies of the filing have been mailed to each of the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspections.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4577 Filed 3-8-73;8:45 am]

[Docket No. CP71-166]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

MARCH 1, 1973.

Take notice that on February 23, 1973, United Gas Pipe Line Co., 1500 Southwest Tower, Houston, Tex. 77002, and Southern Natural Gas Co., Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-166 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket on May 3, 1971 (45 FPC 629), by vacating in part the authorization therein granted, all as more fully set

forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners are authorized in the order of May 3, 1971, to exchange natural gas at three existing points of interconnection and to construct and operate facilities and to exchange gas at a fourth point of interconnection. Petitioners state that sufficient pipeline capacity exists on the systems of each company to accommodate the exchange of gas required by each without the proposed fourth exchange point in Bienville Parish, La. Accordingly, they request that the order be vacated in part with regard to the Bienville Parish exchange point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4530 Filed 3-8-73;8:45 am]

[Docket No. G-13385, et al.]

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Findings and Order After Statutory Hearing

MARCH 1, 1973.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, terminating certificates, making successors corespondent, accepting rate schedules for filing, and granting petition to intervene.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, or add natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition for leave to intervene was filed and withdrawn by Ralph H. Meriwether in Docket No. CI71-665 and a petition for leave to intervene in the event of a formal hearing was filed by Pioneer Gas Products Co., in Docket No. CI71-894. No notices of intervention, protests to the granting of the applications and petitions to amend, or further petitions to intervene have been filed.

At a hearing held on February 27, 1973, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein 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 under the authorizations hereinafter granted.

(2) 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 applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The predecessor of applicant in Docket No. CI66-301 has not collected any amounts subject to refund in Docket No. RI70-1779 is excess of the just and reasonable area ceiling rate established by the Commission.

(7) The rates proposed to be charged and collected by applicant in Dockets Nos. CI68-1231 and CI68-1232 are effective subject to refund in Dockets Nos. RI71-136 and RI72-118.

(8) The rate proposed to be charged and collected by applicant in Docket No. CI73-64 is effective subject to refund in Docket No. RI70-49.

(9) Participation by Pioneer Gas Products Co., in Docket No. CI71-894 may be in the public interest.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or are redesignated as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other repsects said orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI61-1182	25.0	15.025
CI66-410	26.5	14.65
CI66-301	[1] 17.0637	14.65
CI68-926	[2] 16.5619	14.65
CI68-936	17.0637	14.65
CI71-665	[3] 22.0	14.65
CI71-894	10.0	14.65

[1] Sales under the basic contract.
[2] Sales from acreage dedicated by Supplements Nos. 2 and 5 to the rate schedule.
[3] For sales of gas-well-gas; subject to prospective modification upon the conclusion of the proceeding in Docket No. AR70-1 et al.

(F) Within 90 days from the date of this order, applicants in Dockets Nos. G-13385, G-16870, CI65-406, CI66-301, CI68-926, CI68-1231, CI68-1232, CI72-311, CI72-835, and CI73-64 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586 or 607, as applicable.

(G) Within 90 days from the date of initial delivery, applicants in Dockets Nos. G-16764, CI61-1182, CI66-410, CI67-1834, CI71-665, CI71-894, CI72-521, CI72-696, CI72-824, CI73-2, CI73-12, CI73-38, CI73-44, and CI73-68 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468-A, 586, 598, or 607, as applicable.

(H) The certificates and certificate authorization granted in Dockets Nos. G-13385, G-16764, G-16870, CI61-1182, CI65-406, CI66-301, CI66-410, CI67-1834, CI68-926, CI68-1231, CI68-1232, CI71-665, CI71-894, CI72-311, CI72-521, CI72-696, CI72-824, CI72-835, CI73-2, CI73-12, CI73-38, CI73-44, CI73-64, and CI73-68 are subject to the Commission's findings and orders accompanying Opinion Nos. 468, 468-A, 586, 586-A, 598, 598-A, 607, and 607-A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) The proceeding pending in Docket No. RI70-1799 is terminated.

(J) The certificates in Docket Nos. G-16548 and CI68-904 are terminated.

(K) The orders issuing certificates in Docket Nos. G-14380, CI65-781, CI69-821, CI64-857, and G-6614 are amended by deleting therefrom authorization to sell natural gas from the interests acquired by applicants in Docket Nos. G-13385, CI65-406, CI72-311, CI72-835, and CI73-64, respectively. In all other respects said orders shall remain in full force and effect.

(L) Applicant in Docket No. CI71-665 shall comply with § 2.71 of the Commission's general policy and interpretations with respect to the transportation of liquids and liquefiable hydrocarbons.

(M) Applicants in the following dockets are made corespondents in their predecessors' rate proceedings and said proceedings are redesignated accordingly:

Successor's certificate Docket No.	*Rate proceeding Docket No.*
CI68-1231	RI71-136
CI68-1232	RI72-118
CI73-64	RI70-49

Applicants shall comply with the refunding provisions of the Natural Gas Act and § 154.102 of the regulations thereunder.

(N) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

(O) Pioneer Gas Products Co. is permitted to intervene in Docket No. CI71-894 subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervener shall be limited to matters affecting rights and interests as specifically set forth in the petition to intervene; *and, provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [4] Description and date of document	No.	Supp.
G-13385 F 8-7-72	Atlantic Richfield Co.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Letter agreement 6-21-72 (Effective date: 6-1-71) [5]	404	9
G-16548 8-14-72 [3]	Union Oil Co. of California.	Colorado Interstate Gas Co., A Division of Colorado Interstate Corp., Keyes Gas Field, Cimarron County, Okla.	Conveyance 10-22-71 [6] (Effective date: 11-1-72) [5]	116	8
G-16764 C 7-3-72	Southwest Gas Producing Co., Inc.	Texas Gas Transmission Corp., Calhoun Field, Jackson and Lincoln Parishes, La.	Amendment 11-24-71 [7] Supplement 6-30-72	13 13	6 7
G-16870 E 12-6-72	Charles B. Wilson, Jr., Ltd.	Colorado Interstate Gas Co., A Division of Colorado Interstate Corp., Keyes Gas Field, Cimarron County, Okla.	Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 12 and Supplement Nos. 1-7 thereto. Notice of succession (undated). Supplement 9-5-58 [7] Conveyance 10-22-71 [8] Assignment 9-27-72 [9] (Effective date: 9-1-72) [5]	1 1 1 1 1	----- 1-7 ----- 8 9 10
CI61-1182 C 8-25-72 [10]	Ashland Oil, Inc.	Texas Gas Transmission Corp., Tremont and Calhoun Fields, Lincoln and Jackson Parishes, La.	Amendment 7-21-72 [11]	144	4
CI65-406 F 7-31-72 [12]	Gulf Oil Corp. (Operator), et al.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	Assignment 1-5-72 [13] (Effective date: 1-5-72) [5]	280	6
CI66-301 E 10-19-72	Suburban Propane Gas Corp. (Operator), et al.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	Frio-Tex Oil & Gas Co., FPC Gas Rate Schedule No. 2 and Supplement Nos. 1-8 thereto. Notice of succession 10-17-72. Assignment 12-31-71 [14] (Effective date: 12-31-71) [5]	25 25 25	----- 1-8 9
CI66-410 C 7-28-72	Atlantic Richfield Co. (Operator), et al.	Northern Natural Gas Co., El Dorado Gas Plant, Schleicher County, Tex.	Amended agreement 7-12-72.	566	9
CI67-1834 C 7-3-72	Kerr-McGee Corp.	Texas Gas Transmission Corp., Calhoun Field, Jackson and Lincoln Parishes, La.	Amendment 11-24-71 [7] Supplement 6-21-72 [7]	101 101	6 7
CI68-904 4-5-71 [15]	Phillips Petroleum Co.	Trunkline Gas Co., Alta Loma Field, Galveston County, Tex.	Notice of termination, 4-1-71. [16] (Effective date: Date of this order.)	444	5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI68-926..... E 10-24-72	Suburban Propane Gas Corp.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	Frio-Tex Oil & Gas Co., FPC Gas Rate Schedule No. 3 and —	26	.....
			Supplement Nos. 1-4 thereto.	26	1-4
			Notice of succession 10-11-72.	.....	.....
			Assignment 12-31-71 [11]	26	5
			(Effective date: 12-31-71.) [12]	.....	.....
CI68-1231..... E 8-16-72	Walnoco, Inc., et al.....	Natural Gas Pipeline Co. of America, Lockridge Field, Ward County, Tex.	Atapac Petroleum, Inc., et al., FPC Gas Rate Schedule No. 1.	1	.....
			Supplement Nos. 1-4 thereto.	1	1-4
			Notice of succession (undated).	.....	.....
			Assignment 12-31-71 [13]	1	5
			Assignment 12-31-71 [14]	1	6
			(Effective date: 12-31-71.) [12]	.....	.....
CI68-1232..... E 8-16-72	do.....	do.....	Atapac Petroleum Inc., et al., FPC Gas Rate Schedule No. 2.	2	.....
			Supplement Nos. 1-4.....	2	1-4
			Notice of succession (undated).	.....	.....
			Assignment 12-31-71 [13]	2	5
			Assignment 12-31-71 [14]	2	6
			(Effective date: 12-31-71.) [12]	.....	.....
CI71-665..... A 3-15-71 [15]	Kling Resources Co.....	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	Contract 9-18-70 [16]	38	.....
CI71-804..... 6-17-71 [17] [18]	Continental Oil Co.....	Pioneer Gas Products Co., Northwest Madill Field, Marshall County, Okla.	Contract 3-3-65 [19]	370	.....
CI72-311..... F 8-24-72	Mobil Oil Corp. (Operator), et al.	Arkansas Louisiana Gas Co., Arkoma Area, Yell County, Ark.	Assignment 4-12-72 [20]	479	3
			(Effective date: 1-1-72) [2]	.....	.....
CI72-531..... C 7-3-72	Marathon Oil Co.....	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg and Latimer Counties, Okla.	Amendment 5-23-72 [21]	120	2
CI72-696..... A 4-24-72 [22]	Shell Oil Co.....	United Gas Pipe Line Co., East Texas Field, Gregg County, Tex.	Contract 12-29-71.....	391	.....
CI72-824..... A 6-12-72	Texaco Inc.....	Texas Gas Transmission Corp. Block 219, Ship Shoal Area, Offshore Louisiana.	Contract 6-1-72 [23]	475	.....
CI72-835..... F 6-13-72	Suerte Oil Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Hamilton County, Kans.	Contract 4-21-63 [24]	7	.....
			Supplemental agreement 6-1-64.	7	1
			Amendment 4-6-64.....	7	2
			Letter Agreement 4-10-65..	7	3
			Assignment 11-22-71 [25]	7	4
			(Effective date: 11-1-71) [2]	.....	.....
CI73-2..... A 7-3-72	Getty Oil Co.....	Michigan Wisconsin Pipe Line Co., Eugene Island Block 266 Field, Offshore Louisiana.	Contract 5-1-72 [26]	199	.....
CI73-12..... A 7-10-72	Atlantic Richfield Co.....	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Block 266 Field, Offshore Louisiana.	Contract 5-1-72 [26]	609	.....
CI73-38..... A 7-14-72	Cities Service Oil Co.....	do.....	Contract 5-1-72 [26]	392	.....
CI73-44..... A 7-18-72	Continental Oil Co.....	do.....	Contract 5-1-72 [26]	396	.....
CI73-64..... F 7-19-72	Houston Oil & Minerals Corp.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan, Upton, and Glasscock Counties, Tex.	Contract 1-13-53 [27]	15	.....
			Supplemental agreement 10-26-59.	15	1
			Supplemental agreement 8-31-60.	15	2
			Supplemental agreement 1-16-67.	15	3
			Supplemental agreement 4-20-69.	15	4
			Assignment 9-1-71.....	15	5
			(Effective date: 9-1-71) [2]	.....	.....
CI73-68..... A 7-24-72	Continental Oil Co.....	Cities Service Gas Co., Eischen Unit, Canadian County, Okla.	Contract 6-28-72 [28]	383	.....

[1] Dedicates acreage acquired from Champlin Petroleum Co., to Applicant's contract. Sale previously covered by Champlin's Rate Schedule No. 70.
[2] Effective date of transfer of producing properties.
[3] No certificate filing required. 18 CFR 2.64.
[4] From Applicant and Petroleum, Inc., to B. R. Cannon.
[5] Rate filings accepted by temporary certificate issued Aug. 31, 1972.
[6] Where no effective date is shown, it is the date of initial delivery.
[7] Agreement whereby Union Oil Co. of California dedicated its interest in subject unit to basic contract.
[8] From Union Oil Co. of California and Petroleum, Inc., to B. R. Cannon. Union's submittal of the subject assignment reported in this tabulation.
[9] From B. R. Cannon to Applicant.
[10] By telegram filed Sept. 8, 1972, Ashland Oil, Inc., states it will accept a permanent certificate at 25 cents.
[11] Amends basic contract to dedicate additional reserves and provide for initial rate of 26 cents.
[12] Rate filings accepted by temporary certificate issued Sept. 8, 1972.
[13] Assigns interest from Mobil Oil Corp., to Gulf Oil Corp.
[14] From Frio-Tex to Applicant.
[15] Sale now covered by Standard Producing Corp. in Docket No. CI71-236.
[16] Includes assignment dated Feb. 20, 1970, to Associated Tank Co. of all acreage under rate schedule; now on file as Standard Producing Corp., FPC Gas Rate Schedule No. 1.
[17] Assignment by Atapac Petroleum, Inc., to Walnoco Oil, Ltd.
[18] Assignment by Walnoco Oil, Ltd., to Walnoco, Inc.
[19] By letter dated May 13, 1971, Applicant agreed to accept permanent certificate at 22 cents with conditions imposed by the temporary certificate.
[20] The seller shall have the right to process the gas for the removal of liquefiable hydrocarbons. Buyer shall make deliverable reserve prepayments of $1 million on Well No. 1 and $1,500,000 per 100 million Mcf on additional wells. Prepayments will be recouped by buyer's retention of 20 percent of the proceeds.
[21] Applicant filing to cover sales under expired contract not previously on file with the Commission. Deliveries to continue.
[22] By letter filed Aug. 4, 1972, Applicant indicated it would accept a certificate at contract rate of 50 cents.
[23] No specific effective date.
[24] From Gulf Oil Corp., to Applicant. Gulf's interest in Lowery unit previously covered by Phillips Petroleum Co., FPC Gas Rate Schedule No. 471 and the related certificate in Docket No. CI69-821.
[25] Rate filings accepted by temporary certificate issued Aug. 23, 1972.
[26] Rate filing previously accepted by letter order issuing temporary certificate issued Sept. 18, 1972.
[27] Dedicates acreage down to the base of the 1-2 sand, which sand is found at the interval 11,195 feet to 11,344 feet.
[28] Currently on file as Sun Oil Co., FPC Gas Rate Schedule No. 419.
[29] From Sun Oil Co., to Applicant.
[30] Dedicates acreage down to the base of the FR sand (FR sand is between 5,948 feet and 6,050 feet).
[31] Also on file as Union Texas Petroleum, A Division of Allied Chemical Corp., et al., FPC Gas Rate Schedule No. 25.
[32] Rate filings accepted by temporary certificate issued Sept. 8, 1972.

[FR Doc.73-4532 Filed 3-8-73;8:45 am]

[Dockets Nos. CP71-68, CP71-289]

COLUMBIA LNG CORP., ET AL.

Notice of Schedule

MARCH 7, 1973.

Please take notice that Commissioners of the Federal Power Commission will view the Cove Point, Md., site of the Columbia LNG Corp., et al., project (Docket No. CP71-68, et al.) on Tuesday, March 13, 1973. The schedule for the trip is attached.

Counsel for and other representatives of each party to the proceeding and other interested persons are invited to be present during the Commissioners' viewing of the area. Parties must arrange their own transportation. No discussion concerning any of the issues which may be raised in connection with this project will take place between the Commissioners and representatives of the parties or other interested persons. The Commissioners will also view the general area by helicopter and boat; because of space limitations, persons present for the viewing will not be able to accompany the Commissioners on this part of the trip.

KENNETH F. PLUMB,
Secretary.

SCHEDULE FOR COVE POINT VIEWING

March 13, 1973

9:30 a.m.—Chairman John N. Nassikas and Commissioners Albert B. Brooke, Jr., and Rush Moody, Jr., together with the Federal Power Commission general counsel, Mr. Leo E. Forquer, the Chief of the Bureau of Natural Gas, Mr. Thomas J. Joyce, and the Advisor on Environmental Quality, Dr. Richard F. Hill, will arrive at the project and will view the site by automobile and on foot. Their tour of the area will start at 9:30 a.m. or as soon thereafter as possible at a point just inside the entrance to the site which is north of Maryland Route 497 approximately one-half mile east of the intersection of Maryland Routes 2 and 497.

10:15 a.m.—Three members of the party will go aloft for a 20-minute general overview by helicopter of the storage and plant area, the cliffs and shoreline area, the location of the proposed docking facility offshore and surrounding points. The remainder of the party will continue the ground viewing of the site to conclusion.

10:45 a.m.—The three members of the official party who have concluded the ground viewing will go aloft for a 20-minute overview in the helicopter following approximately the same pattern as the previous flight, while the other members of the party complete their ground viewing of the project site.

11:15 a.m.—Depart the project site for Solomons, Md., the location of the staging base for the offshore facilities connected with the project.

11:30 a.m.—The members of the official party will board a launch for a trip by water from Solomons to the area of the proposed docking facility, other offshore points near the project site, and return to Solomons, immediately after which they will depart for Washington.

[FR doc.73-4681 Filed 3-8-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Filing in Compliance with Commission Order

MARCH 7, 1973.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle) has made a filing pursuant to the order issued by the Commission on February 9, 1973, in this proceeding requiring Panhandle to file revised tariff sheets modifying its tariff in order to incorporate provisions to define and delimit emergency procedures.[1]

Panhandle has submitted copies of its Second Revised Interim Sheet No. 42-H to its FPC Gas Tariff Original Volume No. 1 in compliance with the Commission's Order. It proposes that this new tariff sheet be effective from March 1, 1973, through October 31, 1973. The only change is the addition of § 16.9 which relates to emergency situations requiring supplemental deliveries. The proposed § 16.9 is as follows:

16.9 Emergency Situations Requiring Supplemental Deliveries—In the event an emergency situation, including an environmental emergency, should arise in which supplemental supplies of gas are required in order to forestall irreparable injury to life or property, Seller shall have the right to authorize supplemental daily and monthly quantities for a Customer whose deliveries are being curtailed under § 16.2 upon receipt of proof that such emergency exists, but the aggregate of Seller's deliveries to such Customer shall not exceed the Customer's contract quantity applicable to such period. In each instance in which such authorization is requested by the Customer and granted by the Seller, the supplemental quantity shall be separately itemized on the invoice for such month and billed at the unit price in the case of a Customer purchasing under a one-part rate, or the 100 percent load factor price in the case of a Customer purchasing under a two-part rate, and such Customer's Base Period volume for each of the 3 months of curtailment next following the end of the period of emergency deliveries hereunder shall be reduced by one-third of the aggregate supplemental quantity delivered by Seller during the period of emergency deliveries.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4728 Filed 3-8-73;11:53 am]

[1] See Order issued by the Commission granting the city of Monroe City's petition for extraordinary relief on Feb. 9, 1973.

FEDERAL RESERVE SYSTEM

FIRST BANCORPORATION

Formation of One-Bank Holding Company

The First Bancorporation, Chelmsford, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The First Bank and Trust Co., Chelmsford, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4557 Filed 3-8-73;8:45 am]

FEDERAL RESERVE BANK OF BOSTON ET AL.

Notice of Hearings on Individual Applications To Engage in Insurance Agency Activities

Notice is hereby given that the Board of Governors of the Federal Reserve System has granted requests for hearings on applications, listed below, to engage in insurance agency activities pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §§ 225.4(b)(1) and (2) of the Board's Regulation Y (12 CFR 225.4(b)(1) and (2)).[1] Objections to each of the applications and requests for a hearing thereon have been received from insurance agents or agencies, who assert they would be adversely affected by approval of each application and from organizations representing such agents or agencies. Among the objections are claims that the proposed activities are not closely related to banking within the terms of § 225.4(a)(9) of Regulation Y, which designates certain insurance agency activities as closely related to banking (12 CFR 225.4(a)(9)) and that in each instance approval of the application to engage in insurance agency activities would not be in the public interest.

The following are the applications involved:

FEDERAL RESERVE BANK OF BOSTON

1. Worcester Bancorp., Inc., Worcester, Mass., to engage de novo in certain insurance agency activities at 34 loca-

[1] Two of the applications were originally filed pursuant to § 225.4(b)(3) which was suspended prior to action on the applications.

tions in Massachusetts at which Worcester Bancorp., Inc., or its subsidiaries are otherwise engaged in business, through a subsidiary known as Wornat Insurance Agency, Inc.

FEDERAL RESERVE BANK OF NEW YORK

2. The Chase Manhattan Corp., New York, N.Y., to engage de novo in certain insurance agency activities at offices of Dovenmuehle New York, Inc., New York, N.Y., a subsidiary of Dovenmuehle, Inc., New York, N.Y., which is a wholly owned subsidiary of the Chase Manhattan Corp.

3. The Chase Manhattan Corp., New York, N.Y., to engage de novo in certain insurance agency activities at seven offices in Florida at which its subsidiary, Housing Investment Corporation of Florida, Miami, Fla., engages in business.

FEDERAL RESERVE BANK OF CLEVELAND

4. Pittsburgh National Corp., Pittsburgh, Pa., to engage de novo in certain insurance agency activities at a location in Pittsburgh, Pa., through a subsidiary known as Bankers Insurance Services, Inc.

FEDERAL RESERVE BANK OF RICHMOND

5. Dominion Bankshares Corp., Roanoke, Va., to engage in certain insurance agency activities through the acquisition of Fitton Insurance Agency, Inc., Alexandria, Va. (Dominion Bankshares Corp. has filed a companion application to acquire the Fitton Co., Alexandria, Va., which, if denied or withdrawn, would moot the above application.)

FEDERAL RESERVE BANK OF ATLANTA

6. Barnett Banks of Florida, Inc., Jacksonville, Fla., to engage de novo in certain insurance agency activities at 28 offices in Florida at which Barnett Banks of Florida, Inc., or its subsidiaries are otherwise engaged in business.

7. Barnett Banks of Florida, Inc., Jacksonville, Fla., to engage de novo in certain insurance agency activities at six locations in Florida and one location in Texas through a subsidiary to be known as Barnett Winston Insurance Agency, Inc.

8. First National Holding Corp., Atlanta, Ga., to engage de novo in certain insurance agency activities at two locations in Georgia through a subsidiary, Tharpe & Brooks, Inc., Atlanta, Ga., and its registered trade style, First South Insurance Agency.

9. Central & State National Corp. of Alabama, Birmingham, Ala., to engage de novo in certain insurance agency activities at a location in Birmingham, Ala., through a subsidiary known as CSN Underwriters, Inc.

10. The Alabama Financial Group, Inc., Birmingham, Ala. (formerly known as BTNB Corp.), to engage de novo in certain insurance agency activities at a location in Birmingham, Ala., through a subsidiary known as Alabama Financial Insurance Agency, Inc.

11. Citizens & Southern Holding Co., Atlanta, Ga., a subsidiary of Citizens & Southern National Bank, Atlanta, Ga., to engage de novo in certain insurance agency activities at offices of the Citizens & Southern National Bank or Citizens & Southern Holding Co., and at the offices of subsidiaries thereof, through a subsidiary known as the Citizens & Southern Agency. (Applicant seeks to expand the activities of the Citizens & Southern Agency which were approved prior to the 1970 Amendments of the Bank Holding Company Act. See 55 "Federal Reserve Bulletin" 673 (1969).)

12. Palmer Bank Corp., Sarasota, Fla., to engage de novo in certain insurance agency activities at offices in Sarasota, Fort Myers, and Naples, Fla., through a subsidiary known as Coastal Mortgage Co.

13. Pan American Bancshares, Inc., Miami, Fla., to engage in certain insurance agency activities through the acquisition of Atico Financial Corp., Miami, Fla.

FEDERAL RESERVE BANK OF ST. LOUIS

14. Financial Development Co., Southaven, Miss., to engage de novo in certain insurance agency activities in Southaven, Miss., through a subsidiary known as FNB Insurance Agency.

15. County National Bancorporation, Clayton, Mo., to engage in certain insurance agency activities through the acquisition of General Mortgage Company of St. Louis, St. Ann, Mo. (Applicant has requested separate Board consideration of the insurance agency activities. Withdrawal or denial of the application to acquire the mortgage company would moot the insurance agency issues.)

FEDERAL RESERVE BANK OF KANSAS CITY

16. Affiliated Bankshares of Colorado, Inc., Boulder, Colo., to continue to engage in certain insurance agency activities through the retention of Insurance Professionals, Inc., Loveland, Colo. Applicant will engage in such activities at 17 offices of its banking and nonbanking subsidiaries in Colorado.

17. NBC Co., Lincoln, Nebr., to engage de novo in certain insurance agency activities at an office in Lincoln, Nebr., through a subsidiary known as NBC Agency, Inc.

18. The First National Bancorporation, Inc., Denver, Colo., to engage de novo in certain insurance agency activities at offices of The First National Bancorporation, Inc., and its subsidiaries in Colorado, through a subsidiary to be known as First Denver Assurors Co.

FEDERAL RESERVE BANK OF SAN FRANCISCO

19. Southern California First National Corp., San Diego, Calif., to engage de novo in certain insurance agency activities at an office in San Diego, Calif., through a subsidiary known as S. C. National Associates.

20. Marine Bancorporation, Seattle, Wash., to engage de novo in certain insurance agency activities at two offices in Seattle of its wholly owned subsidiary, Commerce Credit Co., Seattle, Wash.

21. Orbanco, Inc., Portland, Oreg., to engage in certain insurance agency activities through the acquisition of Far West Securities Co., Spokane, Wash., at offices of Far West Securities Co. (Applicant has requested separate Board consideration of the insurance agency activities from the mortgage company activities involved in the application. Withdrawal or denial of the proposed mortgage company acquisition would moot the insurance agency issues.)

22. Patagonia Corp., Tucson, Ariz., to engage in certain insurance agency activities through the acquisition of Western American Insurance Agency, Phoenix, Ariz.

It is hereby ordered, That, pursuant to section 4(c)(8) of the Bank Holding Company Act, a hearing be held with respect to each application listed above, to be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR 263). Administrative Law Judge Paul N. Pfeiffer has been designated as the hearing officer by the U.S. Civil Service Commission. Hearings on the individual applications will be held at such Federal Reserve Bank offices and at such times as may be designated by the Administrative Law Judge. The right is reserved to the Board and the Administrative Law Judge to designate any other places for such hearings or any part thereof that may be determined to be necessary and appropriate.

Section 263.6(d) of the Board's rules of practice for formal hearings (12 CFR 263.6(d)) provides in part "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and should be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having official interest in the proceedings: *Provided, however*, That on written request by a party or a representative of the Board, or on the Board's own motion, the Board in its discretion and to the extent permitted by law may permit other persons to attend or may order the hearing to be public."

Any person, including those who have already filed objection to an application, desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before March 30, 1973, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence and the names and identity of witnesses who propose to appear. All requests received, together with the applications and the objections and requests to intervene heretofore received, will be presented to the Administrative Law Judge, who will thereafter schedule such prehearing conferences as are necessary.

The applications may be inspected at the respective Federal Reserve Bank of the applicants or at the Federal Reserve

Building, 20th Street and Constitution Avenue NW., Washington, DC.

By order of the Board of Governors, March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4731 Filed 3-8-73;11:01 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10026]

NEW YORK, AMERICAN, MIDWEST, PBW, AND PACIFIC, COAST STOCK EXCHANGES AND NASD

Notice of Receipt of Plan

The Division of Market Regulation announced on March 2, 1973, the New York, American, Midwest, PBW and Pacific Coast Stock Exchanges and the NASD filed a joint plan (the Plan) with the Commission pursuant to Rule 17a-15 (17 CFR 240.17a-15) (37 FR 24173), under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The plan will be available for public inspection in the Commission's public reference room, and all interested persons may submit written comments on the plan. All comments should be directed to John M. Liftin, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before March 23, 1973, and should refer to File No. S7-433.

The staff also announced that the Commission will consider any comments received in connection with its review of the plan and its determination whether, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, to declare the plan effective and, if it does so, whether to require any changes thereto or to impose any terms or conditions thereon. Before requiring any changes or imposing any terms or conditions, the Commission will afford the plan's proponents an opportunity to respond to such proposed changes, terms or conditions. Any such proposed changes, terms or conditions, and any response thereto by the plan's proponents, will also be made publicly available.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 5, 1973.

[FR Doc.73-4589 Filed 3-8-73;8:45 am]

[812-3375]

CNA-LARWIN INVESTMENT CO. AND CNA FINANCIAL CORP.

Notice of Filing of Application

FEBRUARY 28, 1973.

Notice is hereby given that CNA-Larwin Investment Co., 9100 Wilshire Boulevard, Beverly Hills, CA 90212 (the "Company"), a diversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act), and CNA Financial Corp., 310 South Michigan Avenue, Chicago, IL 60604 (CNA), (hereinafter referred to collectively as Applicants), have filed an application pursuant to section 17(d) and Rule 17d-1 thereunder for an order of the Commission permitting the transaction described below, and exempting the described transaction from the provisions of section 17(a) of the Act pursuant to section 17(b) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

CNA, through its wholly owned subsidiary, The Larwin Group, Inc., and its wholly owned subsidiary CNA-Larwin Advisors, Inc. (Advisor), caused the formation of the Company. Advisor will be the Company's investment adviser. The Company, which will have a leveraged capital structure, intends to invest at least 50 percent of its investment portfolio in securities of real estate investment trusts (REIT's). The Company will also invest in debt and equity securities of other issuers. The objectives of the Company are to provide current income and capital appreciation for common shareholders after providing current income sufficient to pay the dividend on its preference shares.

In order to provide the Company with the opportunity to purchase securities of REIT's at market prices which the Advisor considered attractive, CNA has granted the Company an option to purchase any or all of a $10 million portfolio of securities, which CNA has committed to purchase, at CNA's cost (the Option).

In accordance with its option commitment, CNA purchased a portfolio of securities of REIT's at a cost of approximately $10 million (Option Securities).

The option price per unit of the Option Securities has been derived from CNA's actual average purchase cost for each unit, including brokerage commissions, and is subject to downward adjustment by the amount of profit, if any, derived from reciprocal brokerage received by CNA or any of its subsidiaries on account of the purchase of the Option Securities.

The Option Securities subject to the Option, and the option price per unit of such securities are as follows:

SHARES OF BENEFICIAL INTEREST

No. of units	Issuer	Average Option price per unit	Aggregate option price
57,000	Continental Illinois Realty.	$21.59	$1,230,494.73
11,000	Guardian Mortgage Investors.	45.64	502,076.35
31,300	Gulf South Mortgage Investors.	19.08	597,086.25
12,000	Hamilton Investment Trust.	18.00	216,000.00
33,100	Hanover Square Investors.	19.72	652,862.50
105,000	Heitman Mortgage Investors.	14.03	1,472,875.90
10,471	HNC Mortgage & Realty.	21.51	225,270.93
21,700	Hospital Mortgage Group.	21.80	473,088.85
7,800	Justice Mortgage Investors.	20.70	161,475.00
50,000	Median Mortgage Investors.	13.50	675,000.00
55,000	NJB Prime Investors.	20.26	1,114,511.98
11,400	PNB Mortgage & Realty Inv.	24.71	281,645.55
14,000	Palomar Mortgage Investors.	16.02	224,271.20
7,600	State Mutual Investors.	24.78	188,303.35
32,600	Texas First Mortgage REIT.	19.96	650,561.82
20,000	USF Investors.	25.62	512,500.00
24,500	Unionamerica Mortgage & Equity Trust.	22.86	560,107.41
			9,738,131.82

WARRANTS

No. of units	Issuer	Option price per unit	Aggregate option price
30,100	Citizens & Southern Realty	$7.12	$214,231.25
20,000	Guardian Mortgage Investors	8.16	163,170.88
27,100	Gulf South Mortgage Investors	1.99	53,910.63
5,000	Texas First Mortgage REIT	2.27	11,375.00
			442,687.76
	Total option prices		10,180,819.58

The Option terminates 90 days after January 24, 1973, the effective date of a registration statement filed by the Company under the Securities Act of 1933 covering an offer of common and preferred shares of the company at an aggregate offering price of $50 million, or 15 days after the receipt of an order from the Commission with respect to this application, whichever is later. The Option is irrevocable during the option period.

In the event of a risk of loss or a decline in the value of the Option Securi-

ties, it may be desirable that they be sold. Consequently, the Option provides that CNA has the right in the exercise of its sole discretion to effect sales of all or any part of the Option Securities, and that upon any such sale the Option terminates with respect to the securities sold. In the event of any such sale, CNA shall, at its option, either (i) reinvest the net aftertax proceeds in one or more substitute securities of REIT's selected by CNA or, (ii) segregate the amount of any net aftertax profit attributable to the net aftertax proceeds not so reinvested so that upon the purchase of any of the Option Securities by the Company, the full amount of such unreinvested net aftertax profits shall be credited to the option price of such purchased Option securities. In lieu of such crediting, the Company has the right to require CNA to pay the Company the full amount of any net aftertax profit attributable to the net aftertax proceeds which are not so reinvested, regardless of whether the Company exercises the Option. The option price per unit of any substitute securities will be equal to the average cost per unit, including brokerage commission to CNA of such substitute securities, reduced pro rata by the amount of CNA's net aftertax profit attributable to the reinvested net aftertax proceeds of the sale.

The Company may exercise the Option by giving 5 days' written notice to CNA. The securities purchased are to be delivered by CNA to the custodian designated by the Company upon payment by the Company within 5 days of the exercise of the Option. The Company will not be required to pay any transfer fees. Applicants state that the purchase of any or all of the Option Securities will at the time of exercise of the Option meet the Company's investment policies and restrictions as determined by the disinterested directors of the Company; that it is the intent of the Advisor to recommend to the Company that it exercise the Option as soon as possible following the receipt of an order permitting such action; that the Option Securities are of the type which the Company would have desired to acquire when they were purchased if the Company could have done so then; that the Option Securities were selected for purchase by CNA upon the advice of officers of the Advisor who will have primary responsibility for making investment recommendations to the Company; that any substitute securities will be selected on the same basis; that if the application for exemption is granted, the Advisor will recommend, subject to a determination by the disinterested directors, which of the Option Securities, if any, should be acquired by the Company; and that the Company is not under any obligation to purchase any of the Option Securities. Applicants also represent that none of the management of CNA will personally benefit from the proposed transaction except to the extent that they may be shareholders of CNA or the Company, and then in no way differently from any other shareholder.

Applicants have agreed that any order the Commission may issue pursuant to this notice may be conditioned upon the following:

1. Applicants will file with the Commission within 15 days after any exercise of the Option a copy of all records with respect to the Option and the subject securities required to be kept pursuant to Rule 31a–1(b)(10) and Rule 31a–1(b)(11) promulgated under the Act; and

2. The Company will not exercise its Option with respect to any securities if, at the time of the exercise, the Option price is greater than the market price plus commission.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, to sell to, or purchase from, such investment company any security or property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are fair and reasonable and do not involve any overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) and Rule 17d–1, as here pertinent, make it unlawful for any affiliated person of a registered investment company, or any affiliated person of such person to effect any transaction in connection with a joint enterprise or other joint arrangement in which such registered investment company, or a company controlled by such registered investment company, is a participant unless an application regarding such joint enterprise has been filed with, and an appropriate order has been granted by, the Commission. Rule 17d–1 provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Notice is further given that any interested person may not later than March 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues 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 Applicants 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 application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4456 Filed 3–8–73;8:45 am]

[File No. 500–1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6 through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4595 Filed 3–8–73;8:45 am]

[811–517]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order

MARCH 5, 1973.

Notice is hereby given that American Research and Development Corp., c/o Gaston, Snow, Motley & Holt, 82 Devonshire Street, Boston, MA 02109 (Applicant), a Massachusetts corporation and a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940

(Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On May 17, 1972, a special meeting of stockholders of Applicant was held, at which shares representing more than two-thirds of the outstanding common stock of Applicant were voted in favor of a proposed merger of Applicant and Textron, Inc. (Textron), a Delaware corporation, as a result of which merger Textron would be the surviving corporation, and each stockholder of Applicant would receive 0.3 shares of Textron common stock for each share of Applicant. On May 18, 1972, the merger of Applicant and Textron was effected, thereby resulting in Applicant's ceasing to exist as a separate corporate entity.

Applicant asserts that it has ceased to be an investment company since it is no longer an independent corporate entity.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, 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 the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4591 Filed 3-8-73;8:45 am]

[811-1543]

AMERICAN ENTERPRISE DEVELOPMENT CORP.

Notice of Filing of Application

MARCH 5, 1973.

Notice is hereby given that American Enterprise Development Corp., c/o Gaston, Snow, Motley & Holt, 82 Devonshire Street, Boston, MA 02109 (Applicant), a Massachusetts corporation and a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

As of May 17, 1972, Applicant was a wholly owned subsidiary of American Research & Development Corp. (Research), which was registered under the Act as a nondiversified, closed-end management investment company. The stockholders of Research, at a special meeting held on May 17, 1972, approved a proposed merger of Research and Textron, Inc. (Textron), a Delaware corporation, as a result of which merger Textron would be the surviving corporation, and each stockholder of Research would receive 0.3 shares of Textron common stock for each share of Research. In connection with, but prior to the Research-Textron merger, Applicant was to be merged into its parent, Research, thereby ceasing to be a separate corporate entity. On May 18, 1972, just prior to the merger of Research and Textron, Applicant was merged into Research, and thereby ceased to be a separate corporate entity. Research, prior to the Textron merger, became the surviving corporation.

Applicant asserts that it has ceased to be an investment company since it is no longer an independent corporate entity.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, 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 the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4590 Filed 3-8-73;8:45 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6, 1973, through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4596 Filed 3-8-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6, 1973, through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4594 Filed 3-8-73;8:45 am]

[812-3203]

MCI COMMUNICATIONS CORP. AND BAKER, FENTRESS & CO.

Notice of Filing of Application for Order Exempting Certain Transactions

MARCH 5, 1973.

Notice is hereby given that MCI Communications Corp., 1150 17th Street NW., Washington, DC 20036 (Micom), a Delaware corporation, and Baker, Fentress & Co., 208 South La Salle Street, Chicago, IL 60604 (B–F), a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act) (hereinafter sometimes referred to collectively as Applicants), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed transaction whereby B–F would transfer to Micom, stock held by B–F in certain Micom affiliates, together with options to purchase additional stock in such affiliates, and commit itself to make certain loans to Micom, in exchange for shares of Micom stock, a warrant to purchase additional Micom stock, and the assumption by Micom of certain loan obligations of B–F, as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

In December of 1971, Micom and B–F were affiliated persons of each other since B–F then owned 6.5 percent of the outstanding voting stock of Micom, a company that had been formed to service companies that had applied, or intended to apply, for permits from the Federal Communications Commission (FCC), to operate common carrier communications systems providing point-to-point private line communication services by microwave between certain designated major cities in the United States, but which was then endeavoring to acquire such companies following an FCC ruling in May of 1971, that permission would no longer be granted to operate such facilities on a case-by-case basis upon a showing of public need, but, instead, qualified new common carriers would be permitted to serve in competition with existing common carriers.

At the present time, seventeen corporations affiliated with Micom (the MCI Carriers) have applied to the FCC for permits and licenses to construct and operate microwave communication systems connecting various points. Some applications have been granted and some are still pending.

B–F has the following rights and obligations with respect to the MCI Carriers:

(i) B–F owns 4.1 percent of the outstanding shares of Microwave Communications, Inc. (Microwave), 22.2 percent of the outstanding shares of MCI Michigan, Inc. (Michigan), 6.5 percent of the outstanding shares of Interdata Communications, Inc. (Interdata), and 9 percent of the outstanding shares of MCI New England, Inc.

(ii) B–F holds options to purchase 7,500 shares of Interdata at $2.30 per share, 25,000 shares of Michigan at $5.00 per share, and 20,000 shares of MCI Kentucky Central, Inc. (Kentucky Central), at $2.03 per share.

(iii) B–F is obligated to loan $131,250 to Interdata, $344,000 to MCI—New York West, Inc., $500,000 to Michigan, and $400,000 to Kentucky Central.

B–F acquired its stock in the aforementioned corporations in 1969 and 1970 with an aggregate investment of $400,000.

B–F and Micom have entered into an agreement dated December 3, 1971 (the Agreement), pursuant to which B–F will transfer all of the stock that it owns in the MCI Carriers, together with the options that it holds to purchase additional stock in the MCI Carriers, and will lend (or commit itself to lend) to Micom an aggregate of $2,250,000. In exchange, Micom will issue 144,000 shares of its common stock to B–F, will issue a warrant to B–F to purchase an additional 120,000 shares of its common stock at $8.33 per share, and will assume B–F's loan commitments in the aggregate amount of $1,375,250, to the MCI Carriers. The closing of the Agreement is conditional upon the Commission's entry of an order exempting the transactions provided for in the Agreement from the provisions contained in section 17(a) of the Act which prohibit an affiliated person of a registered investment company, such as was Micom of B–F at the time of the Agreement, from purchasing property from, or borrowing from, or selling property to, such registered company. Under section 17(b) of the Act, the Commission may exempt a proposed transaction from the provisions of section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act, and that the proposed transaction is consistent with the Act.

In May of 1971, when the FCC ruled that it would permit qualified new common carriers in microwave communications to compete with existing services, Micom owned a majority of the voting shares of only one of the MCI Carriers. It now has or has agreed to acquire all, or the majority interests in 16, of the MCI carriers. These interests were acquired for common stock of Micom and certain other consideration. Micom expects to make an exchange offer, to be registered under the Securities Act of 1933, to acquire control of Microwave, the 17th MCI Carrier. Upon completion of its acquisition program, Micom expects to own and operate a national microwave system which will compete directly with the private line (sometimes called leased line) service offered by the American Telephone & Telegraph Co. and by Western Union.

Following the FCC decision in May of 1971, Micom raised over $10 million by the private sale of equity securities to a limited group of investors. In June 1972, a public offering resulted in the sale of 3.3 million shares of Micom common stock at $10 per share or an aggregate public offering price of $3.3 million. Micom has also entered into bank credit agreements under which it may borrow up to $64 million for the purpose of constructing and developing the "MCI System," and certain shareholders of the MCI Carriers exchanging their shares for shares of Micom have agreed to lend Micom an aggregate of $6,450,000. The proposed transactions are represented to be desirable to Micom because they will increase Micom's share of ownership of the MCI Carriers, and to be desirable to B–F because it will result in B–F's having a larger interest in the entire MCI System under development by Micom instead of a smaller interest in Micom and also an interest in just four of the 17 MCI Carriers, and because B–F's entire investment will be in a well capitalized, publicly owned, company, the securities of which (though, in the first instance, unregistered and acquired for investment), will be more readily marketable than securities of the four individual carriers for which there is no market. Since June 1972, when Micom's common stock was first publicly traded, its market price has ranged from a high of $12.75 to a low of $6.50.

The Agreement is represented to have been negotiated at arms-length between William McGowan, chairman and chief executive officer of Micom, on behalf of Micom, and James Fentress, president of B–F, and Robert Spicer, senior vice-president of B–F, on behalf of B–F.

The consideration to be exchanged between the parties to the transaction is represented to be reasonable and fair and the transaction is represented to be consistent with the policies of B–F and with the Act.

Notice is further given that any interested person may, not later than March 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons 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 Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At ay time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4592 Filed 3–8–73;8:45 am]

[70–5313]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

MARCH 5, 1973.

Notice is hereby given that Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605 (Met-Ed), an electric utility subsidiary company of General Public Utilities Corp. (GPU), 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 proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its Cumulative Preferred stock, ---- percent Series I, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of $\frac{1}{20}$ of 1 percent) and the price to be paid to Met-Ed (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to April 1, 1978, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost. Met-Ed is unable to issue additional first mortgage bonds at this time due to restrictions in its mortgage indenture.

The proceeds from the proposed sale of the preferred stock will be used to pay a portion of Met-Ed's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate approximately $41,400,000 at the time of the proposed sale. Met-Ed's 1973 construction program is estimated at $150,900,000. Met-Ed plans to finance its 1973 construction program by the sale of preferred stock and bonds, funds provided from operations, and cash contributions by GPU.

The fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. The application states that the issue and sale of the preferred stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business, and no Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 29, 1973, 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 regulations 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.73–4593 Filed 3–8–73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Current Forms Checklist and Index

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, these materials are set forth in full as follows:

REGISTRANTS PROCESSING MANUAL.—
APPENDIX 1

CURRENT FORMS CHECKLISTS AND INDEX

1. The following list sets forth all current Selective Service System operations forms as of February 15, 1973. Each listed form and its associated procedural directive should be filed in Appendix 1 of the RPM.

SSS form No.	Title	Date of form
1	Registration Card	10-72
2	Registration Certificate (OCR)	2-1-72
3	List of Registrants	6-6-67
4	Tally Sheet	8-19-48
7	Status Card	12-72
80	Standby Reserve Questionnaire	6-8-67
81	Standby Reserve Register	8-16-60
90	Standby Reserve Folder	5-12-65
100-S	Classification Questionnaire (supplemental sheet).	10-11-54
101	Registrant File Folder	1-73
102	Classification Record	10-8-64
102-S	Classification Record (supplement).	6-30-54
103	Graduate or Professional College Student Certificate.	10-11-67
103-A	Graduate or Professional College Student Certificate.	10-11-67
109	Student Certificate	6-9-69
109-A	Student Certificate	6-9-69
110	Notice of Classification (OCR)	6-1-72
112	Minutes of Local Board Meeting.	3-10-65
112-A	Minutes of Local Board Meeting (continuation sheet).	3-10-65
114	Order for Transfer for Classification.	8-19-48
116	Report of Manpower Inventory	1-1-72
117	Report of Availability	7-72
117-A	Availability of Extended Priorities Selection Group—Classes 1-A and 1-A-O.	10-72
118	Dependency Questionnaire	3-4-69
119	Report of Information	7-3-68
120	Individual Appeal Record (OCR).	12-1-71
120A	Action by Appeal Board	8-71
121	Docket Book of Appeal Board	10-11-48
123	Cover Sheet Transmittal and Receipt.	6-4-48
127	Current Information Questionnaire.	1-1-73
129	Report of Availability and Summary of Classification—Doctors of Medicine and Osteopathy, Dentists, and Veterinarians.	3-28-67
130	Request for Relief from Training and Service in the Armed Forces of the United States.	7-72
131	Special Form for Alien or Dual National.	7-72
150	Special Form for Conscientious Objector.	4-18-72
151	Application of Volunteer for Alternate Service.	1-3-72
152	Conscientious Objector Skills Questionnaire.	12-6-71
153	Order to Report for Alternate Service.	11-72
153A	Amendment to Order to Report for Alternate Service.	11-72
154	Certificate of Release from Alternate Service.	8-72
156	Employer's Statement of Availability of Job as Alternate Service.	12-6-71
172	Special Form for Divinity Student.	9-72
173	Special Form for Registrant with Court Record.	9-72
174	Special Form for Surviving Son	9-72
175	Special Form for Minister of Religion.	9-72
201	Notice of Call on Local Board	3-15-61
202	Physical Examination Call on Local Board.	3-15-61
204	Procedural Rights Notice (OCR).	4-1-72
204A	Notice of Decision of Local Board Not to Reopen Classification (OCR).	4-1-72
205	Inductions and Medical Determinations.	7-72

SSS form No.	Title	Date of form
220	Record of Results of Armed Forces Examination (OCR).	9-72
223	Order to Report for Armed Forces Examination (OCR).	9-72
225	Physical Examination List	12-13-63
225-A	Physical Examination List (continuation sheet).	9-9-60
230	Transfer for Armed Forces Examination.	5-1-72
252	Order to Report for Induction (OCR).	12-1-71
253	Notice of Rescheduled Induction Reporting Date (OCR).	12-1-71
254	Application for Voluntary Induction.	10-29-64
255	Notice of Cancellation (OCR)	4-1-72
261	Delivery List	8-22-60
261-A	Delivery List (continuation sheet).	8-22-60
264	Postponement of Induction	10-20-60
301	Report of Violation	10-72
305	Notice of Confinement or Release from Confinement.	10-4-67
310	Appointment of Leader or Assistant Leader.	12-2-60
390	Correspondence Postal Card	8-20-58
392	Local Board Inquiry	6-26-63
394	Employer Development Contact Record.	9-72
397	Alternate Service Control Card	9-72
398	1-W Control Card	9-72
399	Alternate Service Employer	9-72
710	Charge-Out Card	6-15-56
711	Locator File Charge-Out Card	7-14-54
720	Request for Armed Forces Information.	3-7-60
721	Transcript of Military Record	5-21-60
725	Authorization for Release of Information.	3-10-65

Standard form	Title	Date of form
88	Report of Medical Examination	6-56
93	Report of Medical History	1-71

DD form No.	Title	Date of form
44	Record of Military Status of Registrant.	10-1-69
47	Record of Induction	6-1-70
53	Notification of Entry into Active Military Service.	4-1-59
62	Statement of Acceptability	3-1-59
98	Armed Forces Security Questionnaire.	10-1-70
214	Armed Forces of the United States Report of Transfer or Discharge.	7-1-70
215	Correction to DD Form 214, Armed Forces of the United States Report of Transfer or Discharge.	3-1-68
398	Statement of Personal History	3-1-64
889	Standby Reserve Control	9-1-64
1300	Report of Casualty	3-1-60
1343	Notification of Change in Service Member's Official Records.	6-1-69

PHS form No.	Title	Date of form
1867	Statement of Service—Verification of Status of Commissioned Officers of the U.S. Public Health Service.	8-63

2. Forms and procedural directives discontinued.

a. Use of the following forms has been discontinued: SF 89, SSS Forms 100, 104, 155, 161, 200, and 302. The facsimiles of these forms and their associated procedural directives will be withdrawn from Appendix 1 of the RPM and destroyed. Stock balances of these forms will be removed from inventory and destroyed.

b. Use of the following procedural directives has been discontinued: BA Form 53-11 and BA Form 53-41. These procedural directives and their associated facsimile forms will be removed from inventory and destroyed.

BYRON V. PEPITONE,
Acting Director.

MARCH 5, 1973.

[FR Doc.73-4440 Filed 3-8-73;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 73-2]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding accession to European Economic Community of United Kingdom, Denmark, and Ireland.

Notice is hereby given pursuant to § 2003.2 of the regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (15 CFR ch. XX, pt. 2003) that a public hearing will be held beginning at 10 a.m. on April 10, 11, and 12, 1973 to adjourn and reconvene at a later date if needed, in Conference Room 730, 1800 G Street NW., Washington, DC. The purpose of said hearings is to provide an opportunity to the public to present all facts and views pertaining to the effect on U.S. exports of the accession to the European Economic Community of the United Kingdom, Denmark, and Ireland.

Interested parties are invited to express their views on this subject by written brief or other communication, submitted in not less than 20 copies, to the chairman of the Trade Information Committee. Interested parties are also invited to express their views on this subject in person at the aforementioned public hearing, provided they notify the chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., room 725, Washington, DC 20506. Such notification must be received by March 27, 1973. Requests to appear in person should be submitted in an original and 15 copies which must be legibly typed, printed, or duplicated, and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in paragraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Request to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear in person has been granted. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. If not, the reasons for the denial shall be given. (The committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony is required to submit a written brief to the chairman of the Trade Information Committee which must be received at least 1 week prior to the commencement of the hearing at which oral testimony shall be presented. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the regulations of the commitee governing information exempt from public inspection. All written materials other than confidential information filed with the commitee in connection with the hearing will be open to public inspection by appointment, at room 725, 1800 G Street NW., Washington, DC 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position." Parties should focus their briefs and oral testimony on the following:

(a) Conditions of access of U.S. exports into the markets of the United Kingdom, Denmark, and Ireland before the accession of those countries to the European Economic Community and the European Coal and Steel Community, compared with the conditions of access of U.S. exports to those markets after such accession to the European Communities;

(b) The effects upon U.S. exports of the application to them by the United Kingdom, Denmark, and Ireland of the tariff duties (Common External Tariff) of the European Economic Community and of the European Coal and Steel Community, taking into account, as may be relevant, the effects of competitive imports into the communities at other than most-favored-nation rates of duty; and

(c) The effects upon U.S. exports of the application to them by the United Kingdom, Denmark, and Ireland of nontariff measures or other regulations of the European Economic Community and the European Coal and Steel Community.

A limited amount of information about the agreeemnts under which the United Kingdom, Denmark, and Ireland will accede to the European Economic Communities and the tariff levels which may

result from such accession may be obtained with respect to industrial products by addressing inquiries to the Ombudsman for Business, Department of Commerce, Washington, D.C. 20230 or telephoning (202) 967-3176. Similar information with respect to agricultural products may be obtained by addressing inquires to the Director, Trade Policy Division, Foreign Agricultural Service, Department of Agricultural, Washington, D.C. 20250, or telephoning (202) 447-7677.

JOHN H. JACKSON,
General Counsel Office of the Special Representative for Trade Negotiations, Acting Chairman, Trade Information Committee.

[FR Doc.73-4597 Filed 3-8-73;8:45 am]

TARIFF COMMISSION

[337-L-59]

SNIPS AND SCISSORS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on February 20, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by J. Wiss & Sons Co., Newark, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of snips and scissors which are embraced within the claims of U.S. Patents Nos. 3,453,651, 3,524,363, and 3,608,196 owned by the complainant. The complaint names Greenland Studios, Inc., 4500 Northwest 135th Street, Miami, FL 33054; and the May Department Stores Co., Sixth and Olive Streets, St. Louis, Mo. 63101, as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 20, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and F Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: March 6, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-4625 Filed 3-8-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 194]

ASSIGNMENT OF HEARINGS

MARCH 6, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I. & S. 8813, general increase in rates and charges, Sea-Land Service, Inc., I. & S. 8814, I. & S. 8814 Sub 1, General Increase, the Alaska Railroad, I. & S. 8814 Sub 2, now being assigned July 23, 1973, at Seattle, Wash. (1 week), July 30, 1973, at Fairbanks, Alaska (1 day), August 1, 1973, at Anchorage, Alaska (3 days), in hearing rooms to be later designated.

MC 668 Sub 95, Inter City Transportation Co., Inc., Donald A. Robinson, trustee, now assigned March 12, 1973, at Newark, N.J., is postponed indefinitely.

MC 128944 Sub 12, Reliable Truck Lines, Inc., continued to March 22, 1973 (2 days), at the Atlanta Cabana Motor Hotel, 870 Peachtree Street NE., Atlanta, Ga.

FD 26583, Detroit and Toledo Shore Line Railroad, petition for joint use of terminal facilities at Trenton, Mich., now assigned March 22, 1973, will be held in Room 718, Federal Building, 234 Summit Street, Toledo, OH.

AB 5 Sub 62, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Mount Gilead and Heath, Morrow, Delaware, Knox, and Licking Counties, Ohio, now assigned March 26, 1973, will be held at the Old Opera House (Johnstown Town Hall), Coshocton and Main Streets, Johnstown, Ohio.

AB 5 Sub 93, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Mount Vernon secondary track between Howard and Holmesville, Knox and Holmes Counties, Ohio, now assigned March 28, 1973, will be held at the Agriculture Hall, Holmes County Court House, East Jackson Street, Millersburg, Ohio.

MC-C-7935, Samuel D. Summers, doing business as S. D. Summers Lumber Co. and The Valley Camp Coal Co., a corporation—Investigation of operations, now assigned March 20, 1973, postponed to March 21, 1973, at the State Capitol Building, Second Floor, Room A, 1900 Washington Street East, Charleston, WV.

MC 136343 Sub 3, Milton Transportation, Inc., now assigned March 23, 1973, at Boston, Mass., is advanced to March 21, 1973, will be held in Room 1112, Kennedy Building, Boston, Mass.

MC 136903, Intermodal Transport, Inc., now assigned April 2, 1973, at Atlanta, Ga., postponed to April 5, 1973, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 29642 Sub 5, Five Transportation Co., now assigned April 2, 1973, at Savannah, Ga., is postponed indefinitely.

MC-C-7910, Allied Foods, Inc., and Alterman Foods, Inc.—Investigation of operations and practices, now assigned April 9, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 56679 Sub 64, Brown Transport Corp., now assigned April 11, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 105566 Sub 80, Sam Tanksley Trucking, Inc., now assigned March 20, 1973, at Chicago, Ill., is cancelled and application dismissed.

AB 11, Chicago & Eastern Illinois Railroad Co., abandonment between Joppa Junction and Fayville Junction, Johnson, Pulaski, and Alexander Counties, Ill., AB 11 Sub 1, Chicago & Eastern Illinois Railroad Co., abandonment of operations between Fayville Junction and Thebes Junction, Alexander County, Ill., AB 11 Sub 2, Chicago & Eastern Illinois Railroad Co., abandonment of operations between Rockview and Chaffee, Scott County, Mo., now being assigned April 6, 1973 (2 days), at Cairo, Ill., in a hearing room to be later designated.

MC 123048 Sub 238, Diamond Transportation System, Inc., now being assigned April 30, 1973 (1 day), at Memphis, Tenn., in a hearing room to be later designated.

MC 128404 Sub 6, Blackwood Crane & Truck Service, Inc., now being assigned May 1, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC-C-7912, Nashville Traffic Service, Inc., investigation of operations, now being assigned May 3, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC 117883 Sub 159, Subler Transfer, Inc., continued to March 27, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 117119 Sub 459, Willis Shaw Frozen Express, Inc., continued to April 10, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4607 Filed 3-8-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 26, 1973.

FSA No. 42638—*Joint Water-Rail Container Rates—Pacific Far East Lines, Inc.* Filed by Pacific Far East Lines, Inc., (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Hong Kong, Korea, Taiwan, and Manila, 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.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4609 Filed 3-8-73;8:45 am]

[Notice 224]

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 on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petiiton will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petioners must be specified in their petitions with particularity.

No. MC-FC-35450. By order of February 15, 1973, the Motor Carrier Board approved the lease to Wardlaw Transport Express, Inc., Garland, Tex., of Certificate of Registration No. MC-99931 (Sub-No. 3) issued May 3, 1972 to B. L. Ellis, doing business as Ellis Brothers, Dallas, Tex., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. 7399 dated May 27, 1946, issued by the Railroad Commission of Texas. Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201, attorney for applicants.

No. MC-FC-74123. By order of February 14, 1973, the Motor Carrier Board approved the transfer to C. William Redshaw, doing business as Rushville Truck Lines, Rushville, Ill., of Certificate of Registration No. MC-96935 (Sub-No. 1), issued April 14, 1970, to Virginia R. Redshaw, doing business as Rushville Truck Lines, Rushville, Ill., evidencing a right to engage in transportation in interstate commerce corresponding in scope to that portion of Certificate of Public Convenience and Necessity No. 9921MC dated October 20, 1954, as was embraced in predecessory's certificate of registration, transferred and reissued January 22, 1969, by the Illinois Commerce Commission. Carson D. Klitz, Rushville, Ill. 62681, applicants' attorney.

No. MC-FC-74132. By order of February 15, 1973, the Motor Carrier Board approved the transfer to Fresno Bass Lake Freight Lines, Inc., Fresno, Calif., of Certificate of Registration No. MC-85724 (Sub-No. 2) issued to Clyde D. Sturges, doing business as Huntington Stage Lines, Fresno, Calif., evidencing a right of the holder thereof to engage in interstate or foreign commerce in the transportation of: Property between specified points and areas solely within the State of California. Michael J. Stecher, attorney, 140 Montgomery Street, San Francisco, CA 94104.

No. MC-FC-74158. By order of February 15, 1973, the Motor Carrier Board approved the transfer to O. & A. Express, Inc., Lubbock, Tex., of Certificates Nos. MC-114737 (Sub-No. 2), MC-114737 (Sub-No. 4) and MC-114737 (Sub-No. 6) issued May 22, 1956, August 1, 1963, and August 18, 1971, respectively, to O. A. Woody, doing business as O. & A. Film Lines, Lubbock, Tex., authorizing the transportation of: Newspapers, motion picture film, and advertising material, recording, reproducing, and amplifying devices, exhibits, tickets, vending machines, and supplies and materials in connection with operation, and maintenance of theatres and places of motion picture exhibition, between specified points and areas in Texas, Oklahoma, and New Mexico. Austin L. Hatchell, attorney, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC-FC-74159. By order of February 27, 1973, the Motor Carrier Board approved the transfer to Delia Marauszwski, doing business as Billy's Trucking, Pittsfield, Mass., of the operating rights in Permits Nos. MC-110063 and MC-110063 (Sub-No. 1) and Certificate No. MC-115817 issued March 15, 1949, July 5, 1962, and June 13, 1956, respectively, to William Marauszwski, doing business as Billy's Trucking, Pittsfield, Mass., authorizing the transportation of (1) such commodities as are dealt in by chain retail and mail order department stores, from Pittsfield, Mass., to points and places in Connecticut, New York, Massachusetts, and Vermont within 50 miles of Pittsfield, Mass.; (2) toys, in seasonal operations commencing August 1 and extending to December 31, inclusive, of each year, from Pittsfield, Mass., to points in New York, Vermont, New Hampshire, and Connecticut under continuing contract, or contracts, with Kaufman Brothers, Inc., of Pittsfield, Mass., and (3) household goods, as defined by the Commission, between points and places in Berkshire County, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania. Dual operations were approved. John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110, attorney for applicants.

No. MC-FC-74172. By order of February 14, 1973, the Motor Carrier Board approved the transfer to Tillman F. Rozean, doing business as Rozean Truck Line, Box 64, Green, Kans. 67447, of Certificate No. MC 5098 issued to Lionel G. Clark, doing business as Clark Truck Line, Clay Center, Kans., authorizing the transportation of various commodities, such as, livestock, feed, paint, sheet metal, tires, etc., between specified points in Kansas and Missouri.

No. MC-FC-74220. By order of February 15, 1973, the Motor Carrier Board approved the transfer to Max W. Tunks and Maxie Lee Tunks, a partnership, doing business as Circle M Truck Line, King City, Mo., of Certificate of Registration No. MC-96969 (Sub-No. 2) issued July 2, 1969, to Maurice Merrill Hall and Raymond Dale Wells, a partnership, doing business as Hall & Wells Truck Line, King City, Mo., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. T-5776 issued by the Public Service Commission of Missouri, July 3, 1968. Thomas P. Rose, Post Office Box 205, Jefferson City, MO 65101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4610 Filed 3-8-73;8:45 am]

[Notice 227]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73778. By order of February 27, 1973, Division 3, acting as an appellate division, approved the transfer to Siegel's Hauling, Inc., Cadiz, Ohio, of the operating rights in Certificate No. MC-112798 issued December 21, 1961 to

Badgett Trucking Co., a corporation, South Charleston, W. Va., authorizing the transportation of various commodities from, to, and between specified points and areas in West Virginia. Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4611 Filed 3-8-73;8:45 am]

[Ex Parte No. 241; Rule 19; Exemption No. 35]

NORFOLK SOUTHERN RAILWAY CO.

Exemption Under Provision From Mandatory Car Service Rules

It appearing, that there is a substantial movement of traffic originating on the Norfolk Southern Railway Co., destined to points west of the Allegheny Mountains; that the supply of suitable plain boxcars on the Norfolk Southern Railway Co. is inadequate to meet the needs of the shippers of this traffic; that there is a surplus of such cars on the Norfolk and Western Railway Co. which presently are returning empty to the car owners; that use of such cars by the Norfolk Southern Railway for a single trip transporting traffic to, via, or in the direction of the car owners, will enable that line to protect the needs of its shippers, will increase effective car utilization, and will have no significant effect on the boxcar supplies of the car owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars listed in the Official Railway Equipment Register, ICC RER No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, which are subject to Car Service Rule 2 while on the lines of the Norfolk and Western Railway, may be delivered empty by that line to the Norfolk Southern Railway Co. for subsequent loading of one trip only to, via, or in the direction of the car owners.

When so delivered empty by the Norfolk and Western Railway Co. to the Norfolk Southern Railway Co., such cars shall be exempt from the provisions of Car Service Rule 2.

It is further ordered, That all subsequent use of such cars by the Norfolk Southern Railway Co. shall be subject to all of the provisions of Car Service Rule 2.

Effective March 1, 1973.

Expires March 31, 1973.

Issued at Washington, D.C., March 1, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-4608 Filed 3-8-73;8:45 am]

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FRIDAY, MARCH 9, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 46

PART II

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

ALASKA NATIVE CLAIMS SETTLEMENT ACT

Selections of Lands; Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2650, 2651, 2652, 2653, 2654]

ALASKA NATIVE SELECTIONS—GENERALLY

Notice of Proposed Rule Making

On September 21, 1972, on pages 19634–19639 of the FEDERAL REGISTER there was published a notice and text of proposed rule making to add to Group 2600 of Title 43, Code of Federal Regulations, additional sections implementing the Alaska Native Claims Settlement Act of 1971. Interested persons were given until October 23, 1972, to submit comments, suggestions, or objections to the proposed addition to Group 2600. Review of the comments and suggestions resulted in a substantial revision of the proposal.

The purpose of this amendment is to provide regulations for the satisfaction of grants of lands and interests in lands made by the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601–1624). It is hereby determined that the publication of this proposed rule making is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rule making (36 FR 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. 20240 until April 16, 1973.

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 the regular business hours (7:45 a.m.–4:15 p.m.).

Chapter II of Title 43 of the Code of Federal Regulations is amended by adding a new Part 2650, as set forth below.

CURT BERKLUND,
Deputy Assistant,
Secretary of the Interior.

MARCH 6, 1973.

Group 2600 of Chapter II, Title 43 of the Code of Federal Regulations is amended as follows:

PART 2650—ALASKA NATIVE SELECTIONS—GENERALLY

Sec.

2650.0–1 Purpose.
2650.0–2 Objectives.
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2650.0–5 Definitions.
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2650.3–1 Lawful entries.
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2650.4–6 National Wildlife Refuge System Lands.
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2650.5 Survey requirements.
2650.5–1 General.
2650.5–2 Rule of approximation.
2650.5–3 Regional surveys.
2650.5–4 Village surveys.
2650.5–5 Cemetery sites and historical places.
2650.5–6 Adjustment to plat of survey.
2650.6 Selection limitations.
2650.7 Publication.

AUTHORITY: Sec. 25 of the Alaska Native Claims Settlement Act of December 18, 1971; Administrative Procedure Act (5 U.S.C. 551, et seq).

§ 2650.0–1 Purpose.

The purpose of the regulations in this part is to provide procedures for the orderly satisfaction of selections of lands, interests in lands, and rights derived therefrom, pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601).

§ 2650.0–2 Objectives.

The program of the Secretary is to encourage and assist the beneficiaries of the 1971 Act, supra, to make timely selections of the lands and interests in lands for which it is determined they are eligible, consistent with the terms of the Act.

§ 2650.0–3 Authority.

Section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, authorizes the Secretary of the Interior to issue and publish in the FEDERAL REGISTER, pursuant to the Administrative Procedure Act (5 U.S.C. 551, et seq.), such regulations as may be necessary to carry out the purposes of the Act.

§ 2650.0–5 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601) and any amendments thereto.

(b) "Secretary" means the Secretary of the Interior or his authorized delegate.

(c) "Native" means a Native as defined in section 3(b) of the Act.

(d) "Native Village" means any tribe, band, clan, group, village, community, or association in Alaska, as defined in section 3(c) of the Act.

(e) "Village Corporation" means a profit or nonprofit Alaska Native Village Corporation which is eligible under § 2651.2 of this chapter to select land and receive benefits under the Act, and is organized under the laws of the State of Alaska in accordance with the provisions of section 8 of the Act.

(f) "Regional Corporation" means an Alaska Native Regional Corporation organized under the laws of the State of Alaska in accordance with the provisions of section 7 of the Act.

(g) "Public Lands" means all Federal lands and interests in lands located in Alaska (including the beds of all nonnavigable bodies of water), except:

(1) The smallest practicable tract, as determined by the Secretary, enclosing land actually used, but not necessarily having improvements thereon, in connection with the administration of a Federal installation; and,

(2) Land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341; 77 Stat. 223; 48 U.S.C. chapter 2), or identified for selection by the State prior to January 17, 1969, except as provided in § 2651.4(a)(1) of this chapter.

(h) "Interim Conveyance" means an instrument confirming the validity of the selection of a described tract of public land under the Act, entitling the transferee to a conveyance by patent of legal title thereto subject to confirmation of boundary descriptions and to easements, rights-of-way, and other reservations to be identified and expressed in the patent.

(i) "Patent" as used in these regulations means the document which conveys to the patentee the legal title to the public lands, subject to such reservations for easements, rights-of-way, or other interests in land, as provided by the Act or imposed on the land by applicable law.

(j) "National Wildlife Refuge System" means all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

(k) "Approved Protraction Diagram" means the approved diagram of the Bureau of Land Management mathematical plan for extending the public land surveys, and does not constitute an official Bureau of Land Management survey.

§ 2650.0–7 References.

(a) Native enrollment procedures are contained in 25 CFR Part 43h.

(b) Withdrawal procedures are contained in Part 2300 of this chapter.

(c) Application procedures are contained in Part 1821 of this chapter.

§ 2650.1 Provisions for interim administration.

(a)(1) Prior to any conveyance under the Act, all public lands withdrawn pursuant to sections 11, 14, and 16 of the Act shall be administered under applicable laws and regulations by the Secretary of the Interior, or by the Secretary of Agriculture in the case of national forest lands, as provided by section 22(i) of the Act. The authority of the Secretary of the Interior and of the Secretary of Agriculture to make contracts and to issue leases, permits, rights-of-way, or easements is not impaired by the withdrawals.

(2) Prior to making contracts or issuing leases, permits, rights-of-way, or easements, the views of the concerned regions or villages shall be obtained.

(b) As provided in section 17(d)(3) of the Act, any lands withdrawn pursuant to section 17 shall be subject to administration by the Secretary under applicable laws and regulations, and his authority to make contracts, and to issue leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

(c) As provided in section 21(e) of the Act, so long as there are no substantial revenues from real property interests conveyed pursuant to this Act and the lands are not subject to State and local real property taxes, such lands shall continue to receive forest fire protection services from the United States at no cost.

§ 2650.2 Application procedures.

(a)(1) Applications must be filed on forms approved by the Director, Bureau of Land Management. Applications must be filed in accordance with Part 1821 of this chapter.

(2) Minor errors in submitting applications or in otherwise complying with nonstatutory requirements hereunder may be waived in the discretion of the Secretary.

(b) Each regional corporation must submit with its initial application a copy of the resolution authorizing the individual filing the application to do so.

(c) Each village corporation under Subpart 2651 of this chapter must submit with its initial application a certification of its eligibility and entitlement, a certified copy of its articles of incorporation, evidence of the approval thereof by the regional corporation for that region, a copy of the resolution authorizing the filing, and a copy of the authorization of the individual filing the application to do so.

(d)(1) Regional and village corporations authorized by the Act subsequently filing additional or amendatory applications need only refer to the serial number of the initial filing as reference to the articles of incorporation.

(2) Any change of the officer authorized to act for any corporation, and approved amendments to the articles of incorporation, should be promptly submitted to the appropriate office of the Bureau of Land Management.

(e)(1) If the lands applied for are surveyed, the legal description of the lands in accordance with the official plats of survey must be used.

(2) If the lands applied for are unsurveyed, they must be described by approved protraction diagrams of the Bureau of Land Management or State of Alaska protraction diagrams authenticated by the Bureau of Land Management.

(3) If the lands applied for are not surveyed and are not covered by approved or authenticated protraction diagrams, they must be described by metes and bounds commencing at a readily identifiable topographic feature, such as a mountain peak, mouth of a stream, etc., or a monumented point of known position, such as a triangulation station, and the description must be accompanied by a topographic map delineating the boundary of the area applied for.

(4) Where published 1:63,360 U.S.G.S. Quadrangle maps are available with the rectangular grid or approved protraction diagrams plotted thereon, these maps should be used to portray and describe the lands applied for.

(5) If the legal description and the map portrayal do not agree, the written description will be controlling.

(f) The boundaries of selected areas may be adjusted by the Secretary after consultation with the applicant and amendment of the application, provided that the adjustment will not create an excess over the selection entitlement, as follows:

(1) Include any contiguous parcel of public land that would otherwise remain as an isolated parcel of public land;

(2) Include unavailable land which becomes available subsequently for selection.

(g) Each selection application must be accompanied by a nonreturnable filing or service fee of $25.

§ 2650.3 Lawful entries and mining claims.

§ 2650.3–1 Lawful entries.

(a) Patent requirements met. Pursuant to sections 14(g) and 22(b) of the Act, all patents issued under the Act shall exclude any lawfully entered land, or entries which have been perfected under, or are being maintained in compliance with, laws leading to the acquisition of title, but shall include land subject to valid existing rights of a temporary or limited nature such as those created by leases (including leases issued under section 6(g) of the Alaska Statehood Act), contracts, permits, rights-of-way, or easements.

(b) The right of use and occupancy of persons who initiated lawful settlement or entry of land, prior to August 31, 1971, is protected: *Provided*, That:

(1) Occupancy has been or is being maintained in accordance with the appropriate public land law, and

(2) Settlement or entry was not in violation of Public Land Order No. 4582, as amended. Any person who entered or settled upon land in violation of that public land order has gained no rights.

§ 2650.3–2 Mining claims.

(a) *Possessory rights.* Pursuant to section 22(c) of the Act, on any lands to be conveyed to village or regional corporations, any person who, prior to August 31, 1971, initiated a valid mining claim or location, including millsites, under the general mining laws and recorded notice thereof with the appropriate State or local office, shall not be challenged by the United States as to his possessory rights, if all requirements of the general mining laws are met. However, the validity of any mining claim may be challenged by the United States at any time.

(b) *Patent requirements met.* Any person holding a valid mining claim on lands conveyed to regional or village corporations may proceed to patent, if all requirements under the general mining laws are met, provided that an acceptable mineral patent application has been filed with the appropriate land office not later than December 18, 1976.

(c) *Patent requirements not met.* Any mineral patent application filed after December 18, 1976, will be rejected for lack of Departmental jurisdiction.

§ 2650.4 Patent reservations.

§ 2650.4–1 Existing rights and contracts.

Any interim conveyance or patent issued for surface and subsurface rights under this Act will be subject to any lease, contract, permit, right-of-way, or easement and the rights of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted him.

§ 2650.4–2 Succession of interest.

Upon issuance of any interim conveyance or patent under this authority, the transferee thereunder shall succeed and become entitled to any and all interests of the State of Alaska or of the United States as lessor, contractor, permitter, or grantor, in any such lease, contract, permit, right-of-way, or easement covering the estate conveyed, subject to the provisions of section 14(g) of the Act.

§ 2650.4–3 Administration.

Leases, contracts, permits, rights-of-way, or easements granted prior to the issuance of any interim conveyance or patent under this authority shall continue to be administered by the State of Alaska or by the United States after the interim conveyance or patent has been issued, unless the responsible agency waives administration. For lands remaining under the jurisdiction of the Secretary, administration of such less-than-fee rights shall be continued by the issuing agency.

§ 2650.4–4 Revenues.

(a) If the interim conveyance or patent covers all the lands included in the lease, contract, permit, right-of-way, or easement, the transferee shall be entitled to all the revenues reserved by the State of Alaska or by the United States in the lease, contract, permit, right-of-way, or easement, accrued and payable after the date of such interim conveyance or patent.

(b) If the interim conveyance or patent does not cover all the lands included in any such lease, contract, permit, right-of-way, or easement, the transferee shall be entitled only to the proportionate amount of the revenues reserved under the lease, contract, permit, right-of-way, or easement, by the State of Alaska or by the United States, in accordance with section 14(g) of the Act, accrued and payable after the date of such interim conveyance or patent.

§ 2650.4–5 National Forest Lands.

Any interim conveyance or patent issued under this Act for lands located

within the boundaries of a national forest shall contain the following reservations:

(a) For a period of 5 years from the date of the interim conveyance or patent, whichever occurs first, the sale of any timber from these lands shall be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture;

(b) These lands must be managed under the principle of sustained yield and under management practices for the protection and enhancement of environmental quality no less stringent than management practices on adjacent national forest land for a period of 12 years from the date of the interim conveyance or patent, whichever occurs first; and,

(c) In conformity with paragraph (b) of this section, management practices and the basis for computing the sustained yield capacity of the various resources will be specified in a plan made jointly by the transferee and the delegated representative of the Secretary of Agriculture, which plan shall constitute a covenant running with the land. Use of these lands, or the resources thereon, will be in accordance with the plan or its approved revisions during the 12-year period.

§ 2650.4–6 National Wildlife Refuge System Lands.

(a) Every interim conveyance or patent which includes land in the national wildlife refuge system shall reserve to the United States the first right of refusal for a period of 120 days from the date of notice to the United States that the land is being offered for sale by the village corporation.

(b) Every interim conveyance or patent which covers lands lying within the boundaries of a national wildlife refuge in existence on December 18, 1971, shall provide that the lands shall remain subject to the laws and regulations governing use and development of such refuge.

§ 2650.4–7 Public easements.

In accordance with section 17(b)(3) of the Act, prior to the issuance of any patent under this Act, the Secretary shall reserve such public easements as he deems necessary, after consultation with the State of Alaska and the Federal-State Land Use Planning Commission. If the recommendations of the State and the Planning Commission are not received within 90 days after notice by the Secretary, he may proceed to issue the patent reserving such public easements as he determines are necessary.

§ 2650.5 Survey requirements.

§ 2650.5–1 General.

(a) Surveys under section 13 of the Act are authorized to depart from the regulations governing the survey of the public lands of the United States under the rectangular system of surveys. Any survey or description used as a basis for conveyance must be adequate to identify the lands to be conveyed.

(b) Surveys shall take into account the navigability or nonnavigability of bodies of water. The beds of all bodies of water determined by the Secretary to be navigable shall be excluded from the gross area of the surveys and shall not be charged to total acreage entitlements under the Act. The beds of all bodies of water not determined to be navigable shall be included in the surveys as public lands, shall be included in the gross area of the surveys, and shall be charged to total acreage entitlements under the Act. No ground survey or monumentation shall be done by the Bureau of Land Management along the meander lines of navigable bodies of water.

(c) The entries of all persons who have made a lawful entry pursuant to § 2650.3–1 and who have met all requirements for survey under appropriate law and regulation by April 1, 1974, shall be surveyed and segregated from all selections. The entries of all persons who have not met the requirements for survey by April 1, 1974, shall be considered abandoned and shall not be surveyed.

§ 2650.5–2 Rule of approximation.

To assure full entitlement, the rule of approximation may be applied with respect to the acreage limitations applicable to conveyances and surveys under this authority, i.e., any excess must be less than the deficiency would be if the smallest legal subdivision were eliminated (see 62 I.D. 417, 421).

§ 2650.5–3 Regional surveys.

Lands to be patented to a regional corporation, when selected in contiguous units, may be grouped together for the purpose of survey and surveyed as one tract, with monuments being established on the exterior boundary at angle points and at intervals of approximately two miles on straight lines.

§ 2650.5–4 Village surveys.

(a) Only the exterior boundaries of the total acreage entitlement for each village corporation will be surveyed. The survey will be made after the total acreage entitlement of the village has been selected.

(b) Surveys will be made within the village corporation selections to delineate those occupied tracts required by law to be conveyed by the village corporations pursuant to section 14(c) of the Act.

(c)(1) The boundaries of the tracts described in paragraph (b) of this section shall be established by the affected village corporations and the recipient of the conveyance to be made by the village corporations by written agreement which shall be sent to the appropriate land office of the Bureau of Land Management within 180 days after issuance of the interim conveyance or patent. The written agreement must be accompanied by a map showing the approximate established boundaries. Each corner of the tract must be marked by permanent monuments on the ground, in order to survey the boundaries thereof.

(2) After the Bureau of Land Management has prepared a plan of survey, the affected village corporation and its potential transferees will be provided 30 days in which to comment. After having considered the comments, final approval of the plan of survey shall be by the Authorized Officer of the Bureau of Land Management. Thereafter, no addition shall be made to the aproved plan of survey. Survey needed after the final approval shall not be performed by the Secretary.

§ 2650.5–5 Cemetery sites and historical places.

Only those cemetery sites and historical places to be conveyed under section 14(h)(1) of the Act shall be surveyed.

§ 2650.5–6 Adjustment to plat of survey.

All interim conveyances issued for lands not covered by officially approved surveys of the Bureau of Land Management shall note that upon the filing of an official plat of survey, the boundary of the selection area, described in terms of protraction diagrams or by metes and bounds, shall be adjusted to the plats of survey.

§ 2650.6 Selection limitations.

(a) Notwithstanding any other provisions of the Act, no village or regional corporation may select lands which are within 2 miles from the boundary, as it existed on December 18, 1971, of any home rule or first-class city (excluding boroughs), or which are within 6 miles from the boundary of Ketchikan.

(b) Determination will be by certification by the State of Alaska as to which cities are home rule or first class and as to their boundaries as of December 18, 1971.

(c) Native groups, the cities of Juneau, Sitka, Kenai, and Kodiak, are not considered village corporations within the meaning of this section and are not subject to the 2-mile limit.

(d) If the village corporation for the Native village at Dutch Harbor is found eligible for land grants under this Act, it may select lands pursuant to Subpart 2651 of this chapter and receive patent under the terms of section 14(a) of the Act.

§ 2650.7 Publication.

The Authorized Officer will order publication of each proposed conveyance in accordance with the following procedures:

(a) Each applicant will be required to publish a notice allowing all persons claiming the land adversely to file in the appropriate land office their objections to the issuance of any interim conveyance. The notice must be published once a week for 5 consecutive weeks in a designated newspaper and format.

(b) Each applicant must file a statement of the publisher, accompanied by a copy of the published notice showing that publication has been had for the required time. The applicant will be required to pay the cost of publication of the notice.

(c) Any protestant must serve on the applicant a copy of the objections and furnish evidence of service thereof to the appropriate land office.

PART 2651—VILLAGE SELECTIONS

Sec.
2651.0-3 Authority.
2651.1 Entitlement.
2651.2 Eligibility requirements.
2651.3 Selection period.
2651.4 Selection limitations.
2651.5 Patent reservations.
2651.6 Airport and air navigation facilities.

AUTHORITY: Secs. 12 and 16(b) of the Act.

§ 2651.0-3 Authority.

Sections 12 and 16(b) of the Act provide for the selection of lands by eligible village corporations.

§ 2651.1 Entitlement.

(a) Village corporations eligible for land benefits under the Act shall be entitled to a patent to the surface estate in accordance with sections 14(a) and 16(b) of the Act.

(b) In addition to the land benefits in paragraph (a) of this section, each eligible village corporation shall be entitled to select and receive a patent to the surface estate for such acreage as is distributed to the village corporation in accordance with section 12(b) of the Act.

§ 2651.2 Eligibility requirements.

(a) Pursuant to section 11(b) of the Act, the Authorized Officer of the Bureau of Indian Affairs shall review and make a determination, not later than June 17, 1974, as to which villages are eligible for benefits under the Act.

(1) *Review of listed native villages.* The Authorized Officer of the Bureau of Indian Affairs shall make a determination of the eligibility of villages listed in section 11(b)(1) of the Act. He shall investigate and examine available records and evidence that may have a bearing on the character of the village and its eligibility pursuant to paragraph (b) of this section.

(2) *Findings of fact and notice of proposed decision.* After completion of the investigation and examination of records and evidence with respect to the eligibility of a village listed in section 11(b)(1) of the Act for land benefits, the Authorized Officer of the Bureau of Indian Affairs shall publish in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska his proposed decision with respect to such eligibility and shall mail a copy of the proposed decision to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party that may have an interest in the proposed decision. His proposed decision is subject to protest by any interested party within 30 days of the publication of the proposed decision in the FEDERAL REGISTER. If no valid protest is received within the 30-day period such proposed decision shall become final and shall be published in the FEDERAL REGISTER. If the decision is in favor of a listed village, the Authorized Officer shall issue a certificate as to the eligibility of the village in question for land benefits under the Act, and certify the record and the decision to the Secretary. Copies of the final decisions and certificates of village eligibility shall be mailed to all interested parties.

(3) *Protest.* Within 30 days from the date of publication of the proposed decision in the FEDERAL REGISTER, any interested party may protest a proposed decision as to the eligibility of a village for benefits under the Act. No protest shall be considered which is not accompanied by supporting evidence. The protest shall be mailed to the Authorized Officer of the Bureau of Indian Affairs, with a copy to all interested parties.

(4) *Action on protest.* Upon receipt of a protest, the Authorized Officer shall examine and evaluate the protest and supporting evidence required herein, together with his record of findings of fact and proposed decision, and shall render a decision on the eligibility of the Native village that is the subject of the protest. Such decision shall be rendered within 30 days from the receipt of the protest and supporting evidence by the Authorized Officer. The decision of the Authorized Officer shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and a copy shall be mailed to all interested parties. Such decision shall become final, unless appealed to the Director, Office of Hearings and Appeals, Department of the Interior, within 30 days of its publication in the FEDERAL REGISTER.

(5) *Action on appeal.* Appeals to the Director, Office of Hearings and Appeals, shall be filed and governed by the applicable regulations in Part 4, Subpart G of this title, except that the appellant shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. Appeals filed hereunder shall take precedence on the docket of the Office of Hearings and Appeals. The decision of the Director, Office of Hearings and Appeals, shall be the final decision of the Secretary.

(6) *Applications by unlisted villages for determination of eligibility.* The head or any authorized subordinate officer of a Native community not listed in section 11(b) of the Act may file on behalf of the unlisted community an application for a determination of its eligibility for land and benefits under the Act. Such application shall be filed in duplicate with the appropriate land office in accordance with Subpart 1821 of this chapter prior to September 1, 1973. The original application shall be immediately forwarded to the Authorized Officer of the Bureau of Indian Affairs. Each application must describe the location of the community pursuant to § 2650.2(e) of this chapter.

(7) *Segregation of land.* The filing of an application by the authorized representative or representatives of the Native community shall operate to segregate the public land in the vicinity of the community as provided in sections 11(a)(1) and (2) of the Act. The segregative effect of an application for eligibility filed hereunder shall terminate upon final rejection of the application.

(8) *Action on application for eligibility.* Upon receipt of an application for eligibility, the Authorized Officer of the Bureau of Indian Affairs shall have a notice of the filing of the application published in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall promptly review the statements contained in the application. If the application does not adequately describe the community or constitute prima facie evidence of compliance with the requirements of sections 11(b)(3) (A) and (B) of the Act, he shall return the application to the representative or representatives of the Native community with a statement of the reason for return of the application. When a proper application is filed with the Authorized Officer of the Bureau of Indian Affairs, he shall investigate and examine available records and evidence that may have a bearing on the character of the community and its eligibility pursuant to paragraph (b) of this section, and thereafter make findings of fact as to the character of the community. No later than December 19, 1973, the Authorized Officer shall make a determination as to the eligibility of the community as a Native village for land and benefits under the Act and shall issue a decision. He shall publish his decision in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall mail a copy of the decision to the representative or representatives of the community, all villages in the region in which the community is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party that may have an interest in the decision.

(9) *Protest to eligibility determination.* Any interested party may protest a decision of the Authorized Officer of the Bureau of Indian Affairs regarding the eligibility of a Native community for land and benefits under the provisions of sections 11(b)(3) (A) and (B) of the Act by filing a notice of protest with the Authorized Officer within 30 days from the date of publication of the decision in the FEDERAL REGISTER. A copy of the protest must be mailed to all interested parties. If no protest is received within the 30-day period, the decision shall become final and the Authorized Officer shall certify the record and the decision to the Secretary. No protest shall be considered which is not accompanied by supporting evidence. Anyone protesting a decision concerning the eligibility or ineligibility of a Native community shall have the

burden of proof in establishing that the decision is incorrect. Anyone appealing a decision concerning the eligibility or ineligibility of a Native community shall have the burden of proof in establishing that the decision is incorrect.

(10) *Action on protest, appeal.* Upon receipt of a protest, the Authorized Officer shall follow the procedure outlined in paragraph (a)(4) of this section. If an appeal is taken from a decision on eligibility, the provisions of paragraph (a)(5) of this section shall apply.

(b) Villages must meet each of the following criteria to be eligible for land benefits under sections 14 (a) and (b) of the Act:

(1) There must be 25 or more Natives enrolled to the villages.

(2) The village must have been in existence as an established village on April 1, 1970, and separate and not connected with or a part of a city, town, or other identifiable community settlement.

(3) The village must not be modern and urban in character. A village will be considered to be of modern and urban character if the Secretary determines that it possesses a majority of the following attributes:

(i) Population over 2,500.

(ii) Centralization of water system or sewage system.

(iii) Five or more business establishments which provide goods or services such as transient accommodations or eating establishments, specialty retail stores, plumbing and electrical services, etc.

(iv) Organized police or fire protection.

(v) Resident medical or dental services, other than those provided by Indian Health Service.

(vi) A school system providing both elementary and secondary education.

(4) A majority of the residents must be native.

(5) The inhabitants of the village must rely upon the natural resources of the area for all or a portion of their livelihood.

(c) In addition to the criteria listed in paragraph (b) of this section, a village must possess a predominance of the following characteristics:

(1) Census place in the 1970 census.

(2) Some type of local government such as: traditional council, receiving Bureau of Indian Affairs services; Indian Reorganization Act—federally recognized village; incorporated under State law.

(3) Community services such as local school, Indian Health Service facilities, postal services, communications.

(4) Physical facilities consisting of permanent structures for residential or business purposes, or both, in more or less compact or proximate relationship.

(5) Established townsite and survey.

§ 2651.3 Selection period.

Each eligible village corporation must file its selection application(s) not later than December 18, 1974, under sections 12(a) or 16(b) of the Act; and not later than December 18, 1975, under section 12(b) of the Act.

§ 2651.4 Selection limitations.

(a) Each eligible village corporation may select up to the maximum surface acreage entitlement under sections 12 (a) and (b) and section 16(b) of the Act, but may not select more than:

(1) 69,120 acres from land that, prior to January 17, 1969, has been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act; and,

(2) 69,120 acres of land from the National Wildlife Refuge System; and,

(3) 69,120 acres of land from the National Forest System.

(b) To the extent necessary to obtain its entitlement, each eligible village corporation must select all available lands within priority Group 1 (below) before selecting lands within priority Group 2, and within priority Group 2 before selecting lands within priority Group 3.

(1) The township or townships within which all or part of the village is located.

(2) Withdrawn land in the two "rings" of contiguous or cornering townships, as specified in sections 11(a)(1) (B) and (C) and 11(a)(2) of the Act;

(3) Deficiency lands withdrawn pursuant to section 11(a)(3) of the Act.

(c) Selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of navigable water or by lands which are unavailable for selection.

(1) Regardless of the number of selection applications filed, the total village corporation selection must be compact and contiguous and should conform as nearly as practicable to the U.S. Land Survey System.

(2) A tract will not be considered compact if it excludes other lands available for selection within its exterior boundaries, or if it is excessively strung out in long narrow strips of more than four times the length to the width. The omission of lands which must be selected by the regional corporation will not be considered a violation of the compactness requirement, unless such omission would require the selection of deficiency lands withdrawn pursuant to section 11(a)(3) of the Act.

(3) Village corporations are not required to select lands within an unpatented mining claim. If the village corporation selection omits lands within unpatented mining claims, this will not be construed as violating the requirements for compactness and contiguity.

(4) The lands selected shall be in whole sections where they are available, or include all available lands in less than whole sections, and, wherever feasible, shall be in units of not less than 1,280 acres.

(5) Except as provided in paragraph (c)(2) of this section, "checkerboard" or alternate tract selections will not be permitted.

(d) Optional selections are permitted to insure full entitlement under the Act. Optional selection applications must meet the criteria of paragraph (c) of this section, and give numerical choice, i.e., first choice, second choice, etc. Such selections must be filed not later than December 18, 1974. Land descriptions of optional selections may also be adjusted pursuant to § 2650.2(f) of this chapter, if the selections are approved.

(e) Whenever the Secretary determines that a dispute exists between villages over land selection rights, he shall direct the village corporations to arbitrate the dispute in accordance with section 12(e) of the Act, within 120 days of notice to that effect. Optional selections may be made pursuant to paragraph (d) of this section in order to protect selection rights.

(f) Village corporation selections within section 11(a)(1) and section 11 (a)(3) areas shall be given priority over regional corporation selections for the same lands.

§ 2651.5 Patent reservations.

In addition to the patent reservations in § 2650.4 of this chapter, interim conveyances or patents issued to village corporations shall provide for the transfer of the surface estates specified in section 14(c) of the Act, and shall be subject to valid existing rights under section 14(g) of the Act.

§ 2651.6 Airport and air navigation facilities.

(a) Every airport and air navigation facility owned and operated by the United States which the Secretary determines is actually used in connection with the administration of a Federal program will be deemed a "Federal installation" under the provisions of section 3(e) of the Act, and the Secretary will determine the smallest practicable tract which shall enclose such Federal installations. Such Federal installations are not public lands as defined in the Act and are therefore not "lands available for selection" under the provisions of these regulations.

(b) The surface of all other lands used as airport sites, airway beacons, or other navigation aids, together with such additional lands or easements as are necessary to provide related services and to insure safe approaches to airport runways, shall be conveyed by the village corporation to the State of Alaska, and the Secretary will include any and all covenants which he deems necessary in the interim conveyance or patent to any village corporation to insure the fulfillment of this obligation.

PART 2652—REGIONAL SELECTIONS

Sec.

2652.0-3 Authority.
2652.1 Entitlement.
2652.2 Selection period.
2652.3 Selection limitations.
2652.4 Patent reservations.

AUTHORITY: Secs. 12(a)(1) and 12(c)(3), and secs. 14(e); 14(f); 14(h) (1), (2), (3), (5), and (8).

§ 2652.0-3 Authority.

Sections 12(a)(1) and 12(c)(3) provide for selections by regional corporations; and sections 14(e); 14(f); 14(h)

(1), (2), (3), (5), and (8), provide for the conveyance to regional corporations of the selected surface and subsurface estates, as appropriate.

§ 2652.1 Entitlement.

(a) Eligible regional corporations may select up to the maximum acreage granted pursuant to section 12(c) of the Act. They will be notified by the Secretary of their entitlement.

(b) Where subsurface rights are not available to the eligible regional corporations in lands whose surface has been patented to village corporations, the regional corporations may select an equal subsurface acreage from lands withdrawn under sections 11(a)(1) and 11(a)(3) of the Act, as provided in section 12(a) of the Act.

(c) As appropriate, the regional corporations will receive patent to the subsurface estate of lands, the surface estate of which is patented pursuant to section 14 of the Act.

(d) If a 13th regional corporations is organized under section 7(c) of the Act, it will not be entitled to any grant of lands.

§ 2652.2 Selection period.

All regional corporations must file their selection applications not later than December 18, 1975.

§ 2652.3 Selection limitations.

(a) To the extent necessary to obtain its entitlement, each regional corporation must select all available lands within priority group 1 (below) before selecting lands within priority group 2, and within priority group 2 before selecting lands within priority group 3:

(1) Withdrawn land in the two "rings" of contiguous or cornering townships, as specified in section 11(a)(1) (B) and (C) of the Act, except that regional corporations may select only even-numbered townships in even-numbered ranges, and only odd-numbered townships in odd-numbered ranges;

(2) Deficiency lands withdrawn for villages pursuant to section 11(a)(3) of the Act;

(3) Deficiency lands withdrawn for the regions pursuant to section 11(a)(3) of the Act.

(b) Village corporation selections within section 11(a)(1) and section 11(a)(3) areas shall be given priority over regional corporation selections for the same lands.

(c) Regional corporation selections should be in reasonably compact tracts considering the intended use and with associated village corporation selections, and in conformity with the regional land selection recommendations of the Joint Federal-State Land Use Planning Commission for Alaska. In no case will such selections be less than one complete township, whether surveyed or protracted. Such selections should be in accordance with plans developed with the maximum public participation. The Secretary will cooperate with the Natives and the Land Use Planning Commission regarding areas to be selected with the view of achieving economic growth and development that is orderly, planned and compatible with State and national environmental objectives.

(d) Optional selections are permitted to insure full entitlement under the Act. Optional selections must meet the criteria of paragraph (c) of this section, and must give numerical choice, i.e., first choice, second choice, etc. Such selections must be filed not later than December 18, 1975. Adjustment in land description and selection may be made in accordance with § 2650.2(f) of this chapter.

§ 2652.4 Patent reservations.

In addition to the patent reservations in § 2650.4 of this chapter, patents issued to regional corporations for the subsurface estate of lands whose surface has been patented to village corporations shall provide that the right to explore, develop, or remove minerals from the subsurface estate in the lands within the boundaries of any Native village shall be subject to the consent of the village corporation.

PART 2653—MISCELLANEOUS SELECTIONS

Sec.

2653.0–3 Authority.
2653.1 Conveyance limitations.
2653.2 Application procedures.
2653.3 Lands available for selection.
2653.4 Selection period.
2653.5 Cemetery sites and historical places.
2653.6 Native group selections.
2653.7 Sitka-Kenai-Juneau-Kodiak selections.
2653.8 Primary place of residence.
2653.8–1 Acreage to be conveyed.
2653.8–2 Primary place of residence criteria.
2653.9 Patent reservations.

AUTHORITY: Secs. 14(h) and 11, and 16 of the Act.

§ 2653.0–3 Authority.

Section 14(h) of the Act authorizes the Secretary to withdraw, and, in his discretion, to convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 11 and 16 of the Act, as follows:

(a) Fee title to existing cemetery sites and historical places to the regional corporations for the regions in which the lands are located;

(b) Title to the surface estate of not more than 23,040 acres to any Native group that does not qualify as a Native village;

(c) Title to the surface estate of not more than 23,040 acres of lands to the Natives residing in Sitka, Kenai, Juneau, and Kodiak, who meet the requirements; and,

(d) Title to the surface estate is not to exceed 160 acres of land to a Native as his primary place of residence.

§ 2653.0–5 Definitions.

(a) "Cemetery Site" means a burial ground consisting of six or more Native graves.

(b) "Historical Place" means a distinguishable tract of land or area upon which occurred a significant Native historical event, which is importantly associated with Native historical or cultural events or persons, or which was subject to sustained historical Native activity.

(c) "Native Group" means a community composed of less than 25, but more than 10 Natives, who constitute two or more families comprising a majority of the residents of a locality and who have incorporated under the laws of Alaska.

(d) "Primary place of residence" means the place where, on August 31, 1971, the applicant had his true, fixed, and permanent home, and principal establishment and to which whenever he is absent he has the intention of returning.

§ 2653.1 Conveyance limitations.

(a) Not more than a total of 2 million acres may be selected by qualified applicants under section 14(h) of the Act for cemetery sites and historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau and Kodiak, for primary places of residence, and for Native allotments approved pursuant to section 18 of the Act within 4 years from December 18, 1971.

(1) One million acres shall be set aside for satisfaction of Native allotments under the Act of May 17, 1906 (34 Stat. 197), the Act of February 8, 1887 (24 Stat. 389), as amended and supplemented, and the Act of June 25, 1910 (36 Stat. 863). Any Native allotment applications pending before the Bureau of Indian Affairs or the Bureau of Land Management on December 18, 1971, will be considered as "pending before the Department." Those allotment applications which have been determined to meet the requirements of the Acts cited herein and for which survey has been requested before December 18, 1975, shall be charged against the 1-million-acre limitation.

(2) The remaining 1 million acres will be prorated among the regional corporations by population for conveyance pursuant to sections 14(h) (1), (2), (3), and (5). Priorities as to use and allocation of these lands will be determined by each regional corporation.

(b) If the Secretary determines that lands are available from the 2 million acres authorized for miscellaneous selections under section 14(h) of the Act for allocation to the regional corporations pursuant to section 14(h)(8) of the Act, the eligible regional corporations will be notified by the Secretary as soon as practicable. Upon such notification, each eligible regional corporation will be entitled to select the acreage from available lands.

§ 2653.2 Application procedures.

(a) All applications must be filed in accordance with the procedures in § 2650.2 (a) of this chapter, and must include the concurrence of the affected regional corporation.

(b) Native groups, and Natives residing in Sitka, Kenai, Juneau, and Kodiak, as provided in sections 14(h) (2) and (3), respectively, must comply with the applicable terms of § 2650.2 (a), (c), (d), (e), and (f) of this chapter.

(c) The filing of an application under the regulations of this subpart and the provisions of section 14(h) of the Act will constitute a request for the withdrawal of the lands, and will segregate the lands applied for from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended, subject to valid existing rights. The segregative effect of such an application will terminate if the application is rejected.

§ 2653.3 Lands available for selection.

(a) Selections must be made only from areas subject to withdrawal pursuant to section 14(h) of the Act, and cannot be made from areas withdrawn pursuant to sections 11 and 16 of the Act.

(b) Selections may also be made for existing cemetery sites and historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau, and Kodiak, and for primary places of residence, from any lands which the Secretary may withdraw for those purposes out of the National Wildlife Refuge System lands or the National Forest lands, as provided by section 14 (h)(7).

(c) Selections may also be made from lands withdrawn pursuant to sections 17 (d)(1) and 17(d)(2) of the Act.

§ 2653.4 Selection period.

Applications for selection under this subpart will be accepted until each regional corporation has applied for its entitlement under § 2652.1 of this chapter, or until December 18, 1975, whichever occurs first.

§ 2653.5 Cemetery sites and historical places.

(a) The appropriate regional corporation may apply to the Secretary for the conveyance of existing cemetery sites and historical places pursuant to section 14 (h) of the Act. The Secretary may give favorable consideration to these applications, provided that the Secretary determines that the criteria in these regulations are met, and provided further that the regional corporation accepts a covenant in the patent that these cemetery sites and historical places will be maintained and preserved solely as cemetery sites and historical places by the regional corporation.

(b) The survey of selected sites shall include only the area actually used and a reasonable buffer zone, not over 66 feet wide around abandoned cemeteries; not over 330 feet wide around an area identified as an historical place; and an area to provide reasonable future expansion around active cemeteries.

§ 2653.6 Native group selections.

(a) (1) Native groups in existence on December 18, 1971, who incorporate in accordance with the laws of the State of Alaska may file applications to select the surface estate of not more than 23,040 acres.

(2) The incorporators of a Native group must include not less than three members of the group who are Natives as defined in § 2650.0–5(c) of this chapter.

(b) Native group selections must meet the criteria of compactness and contiguity specified in § 2651.4 (c) and (d) of this chapter.

(c) Native group selections shall not exceed 1,000 acres for each Native member of the group, or 23,040 acres for each Native group, whichever is less. Non-Native members of the group are not eligible for any benefits hereunder.

§ 2653.7 Sitka-Kenai-Juneau-Kodiak selections.

(a) Natives residing in Sitka, Kenai, Juneau, and Kodiak, who incorporate under the laws of the State of Alaska, may select the surface estate of up to 23,040 acres of lands of a similar character located in reasonable proximity to those municipalities.

(b) Selections under this subpart must meet the criteria of compactness and contiguity specified in § 2651.4 (c) and (d) of this chapter.

§ 2653.8 Primary place of residence.

(a) An application under this subpart may be made by a Native who occupied land as a primary place of residence on August 31, 1971.

(b) Applications for such lands must be filed not later than December 18, 1973.

§ 2653.8–1 Acreage to be conveyed.

A Native may secure title to the surface estate of only a single tract not to exceed 160 acres under the provisions of this subpart, and shall be limited to the acreage actually occupied and used.

§ 2653.8–2 Primary place of residence criteria.

The Secretary will consider the following criteria in determining whether the land occupied is a primary place of residence:

(a) *Periods of use.* Casual or occasional use will not be considered as making the tract applied for a primary place of residence.

(b) *Improvements constructed on the land.* (1) Must have a dwelling.

(2) May include associated structures such as food cellars, drying racks, caches, etc.

(c) *Evidence of use.* (1) Must have evidence of continuing use and occupancy.

(2) Does not include such uses as hunting, fishing, berrypicking, woodcutting, reindeer husbandry, etc.

§ 2653.9 Patent reservations.

(a) Patents issued pursuant to this subpart are subject to the patent reservations described in § 2650.4 of this chapter.

(b) In addition to the reservations provided in paragraph (a) of this section, patents for cemetery sites and historical places will contain a covenant running with the land providing that the regional corporation patentee shall not authorize mining or mineral activities of any type, any commercial activities or any other use which is incompatible with or is in derogation of the values of the area as a cemetery site or historical place. The covenant will also provide that the United States will be given a right of first refusal for a period of 90 days prior to the purchase from the appropriate regional corporation of any interest in the lands selected as cemetery sites and historical places prior to being conveyed by the regional corporation.

PART 2654—NATIVE RESERVES

Sec.
2654.0–3 Authority.
2654.1 Exercise of option.
2654.2 Application procedures.
2654.3 Conveyances.

AUTHORITY: Sec. 19(b) of the Act.

§ 2654.0–3 Authority.

Section 19(b) of the Act authorizes any village corporation(s) located within a reserve defined in the Act to acquire title to the surface and subsurface estates in any reserve set aside for the use and benefit of its stockholders or members prior to December 18, 1971. Such acquisition precludes any other benefits under the Act.

§ 2654.1 Exercise of option.

(a) Any village corporation which has not, by December 18, 1973, elected to acquire title to the reserve lands will be deemed to have elected to receive for itself and its members the other benefits under the Act.

(b) The election of a village corporation to acquire title to the reserve lands shall be expressed in the manner provided by its articles of incorporation, except that where two or more villages are located on the same reserve an election to acquire title to the reserve lands must be expressed by a majority of the whole number of stockholders or members of such corporations located on such reserve.

(c) The results of any election by a vilage corporation or coroprations to acquire title to the reserve lands shall be certified by the appropriate regional corporation as being in conformity with the articles of incorporation and bylaws of the village corporation or corporations or with the requirements of paragraph (b) of this section, as appropriate.

§ 2654.2 Application procedures.

(a) Applications under this subpart must comply with the requirements of § 2650.2 of this chapter, and be accompanied by a copy of the regional corporation's certificate of the election.

(b) If the village corporation elects to reject the reserve lands and take other benefits under the Act, it must apply for those benefits pursuant to Subpart 2651 of this chapter.

§ 2654.3 Conveyances.

(a) Conveyances under this subpart are subject to the provisions of section 14(g) of the Act, as provided by § 2650.4 of this chapter.

(b) Conveyances under this subpart to two or more village corporations will be made to them as tenants-in-common.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions; Modifications and Supersedeas Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following. New Area Wage Determination Decisions Nos. AP–168 and AP–486 for the States of Kentucky and New York respectively.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

LEADER LINES INDENT 7 1-2 ON RT.

Florida:	
AP–129	Dec. 8, 1972.
AP–130	Dec. 22, 1972.
Georgia:	
AP–149	Jan. 12, 1973.
Illinois:	
AP–28	Nov. 3, 1972.
AP–30	Nov. 10, 1972.
AP–32	Dec. 1, 1972.
AP–51; AP–68	Dec. 8, 1972.
AP–604	Jan. 26, 1973.
Iowa:	
AP–510	Nov. 10, 1972.
Kansas:	
AM–6708	April 7, 1972.
AM–6717	April 14, 1972.
AP–501	Aug. 11, 1972.
AP–503	Aug. 25, 1972.
Louisiana:	
AP–363	Dec. 1, 1972.
Massachusetts:	
AP–456	Jan. 19, 1973.
AP–470	Feb. 16, 1973.
Missouri:	
AP–504; AP–505	Sept. 1, 1972.
Oregon:	
AP–249	Nov. 10, 1972.
Pennsylvania:	
AM–1858; AM–1865	Aug. 20, 1971.
AM–9681	Feb. 25, 1972.
AM–9323	June 16, 1972.
AP–404; AP–408	July 28, 1972.
AP–421; AP–423; AP–424	Sept. 29, 1972.
Texas:	
AP–389	Jan. 26, 1973.
Virginia:	
AP–468	Feb. 9, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Connecticut:	
AP–434(AP–477)	Oct. 6, 1972.
AP–437(AP–478)	Oct. 13, 1972.
AP–445(AP–471)	Nov. 25, 1972.
Maryland:	
AP–443(AP–492)	Nov. 17, 1972.
Minnesota:	
AP–605(AP–638); AP–606 (AP–639); AP–607(AP–640); AP–608(AP–641); AP–609(AP–642); AP–610 (AP–643); AP–611(AP–644); AP–612(AP–645); AP–613(AP–646); AP–614 (AP–647)	Jan. 19, 1973.
Mississippi:	
AM–491(AP–162); AM–492 (AP–163); AM–493(AP–164); AM–494(AP–165); AM–495(AP–166); AM–496 (AP–167)	Aug. 20, 1971.
Nevada:	
AP–236(AP–264); AP–242 (AP–265)	Sept. 22, 1972.
New York:	
AM–1721(AP–487)	Aug. 11, 1971.
North Dakota:	
AM–2509(AP–267); AM–2510(AP–268); AM–2511 (AP–268); AM–2512(AP–268); AM–2513(AP–268)	Aug. 27, 1971.
Pennsylvania:	
AM–1866(AP–489)	Aug. 20, 1971.
AP–462(AP–488); AP–463 (AP–490)	Jan. 26, 1973.
Rhode Island:	
(AP–427(AP–485)	Sept. 29, 1972.
Virginia:	
AP–443(AP–492)	Nov. 17, 1972.
Washington:	
AP–261(AP–263)	Feb. 2, 1973.
Washington, D.C.:	
AP–442(AP–491)	Nov. 17, 1972.

Signed at Washington, D.C., this 2d day of March 1973.

ROBERT M. BROCK,
Acting Assistant Administrator, Wage and Hour Division.

STATE: Kentucky
DECISION NUMBER: AP-168
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Boone, Campbell & Kenton
DATE: Date of Publication

59-KY-1 (2-2

59-KY-1-F (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.21	.30	.50		.02	
Boilermakers	8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
Bricklayers	9.395	.45				
Carpenters:						
Carpenters	8.70	.40	.55		.025	
Millwrights	9.29	.30	.85		.05	
Piledrivermen	8.70	.40	.55		.025	
Cement masons	8.845	.30	.50		.02	
Electricians	8.75	.50	1% + .30		½ of 1 %	
Elevator constructors	8.53	.195	.20	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.195	.20	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	8.45		.25		.005	
Ironworkers, structural & ornamental	8.995	.40	.55		.015	
Ironworkers, reinforcing	8.695	.40	.85		.02	
Laborers: (Demolition)						
Wrecking laborers	7.32	.35	.20			
Jackhammer operators	7.47	.35	.20			
Wallmen	7.47	.35	.20			
Burners	7.47	.35	.20			
Lathers	9.495				.015	
Lead burners	8.25	.30		c	.01	
Linemen	8.75	.50	1% + .30		.5%	
Marble setters	9.135	.45				
Marble setters' helpers	8.035					
Painters, brush:						
Commercial	8.03	.35	.15			
Industrial	8.18	.35	.15			
Painters, spray:						
Commercial	8.28	.35	.15			
Industrial	8.43	.35	.15			
Pipefitters	8.81	.60	.775		.04	
Plasterers	9.245		.30		.01	
Plumbers & gas fitters	9.055	.38	.65		.05	
Resilient floor layers	7.80	.40	.40		.05	
Roofers	9.395		.30			
Sheet metal workers	8.525	.40	.70		.02	
Sprinkler fitters	9.25	.30	.50		.05	
Stone masons	9.135	.45				
Terrazzo workers:						
Terrazzo workers	9.085	.45				
Terrazzo workers' helpers & grinders	7.985					
Terrazzo base grinder	8.405					
Tile setters	9.085	.45				
Tile setters' helpers	7.935					
Tile setters' helpers (prob.)	75%JR					

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. Nine paid holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Common laborers, cement masons helpers, hand operated mechanical mule, mechanical sweeper, signal man	$7.60	.35	.20			
Bottom man, pipe layers	7.70	.35	.20			
Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated michanical mule, concrete pump hose man, vibrator man	7.75	.35	.20			
Plasterers's tender, mason tender, stone mason tender, bottom jackhammer man	7.80	.35	.20			
Plaster mixer pump operator	7.95	.35	.20			
Tunnel laborer	8.10	.35	.20			
Gunnite nozzle operator	8.35	.35	.20			

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POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
A-Frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all ypes), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.63	.38	.65		.09	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	8.56	.38	.65		.09	
Air compressor (presurizing shafts or tunnels), all asphalt rollers, fork liifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenchers (24" and under)	8.41	.38	.65		.09	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	7.75	.38	.65		.09	
Backfillers & tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, clefplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines form trenchers, high pressure pumps (over 4" discharge), hydro seeders, self propelled power spreaders, self propelled sub-grader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	7.44	.38	.65		.09	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	6.82	.38	.65		.09	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a $6.00				
Tandem trucks	5.46	a $6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, readymix trucks, fuel trucks	5.51	a $6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a $6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a $6.00				
All trucks five axle and over	5.61	a $6.00				

FOOTNOTES:

a. Per week per employee.

NEW DECISION

STATE: NEW YORK
DECISION NO.: AP-486
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Steuben
DATE: Date of Publication

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.13	.45	.15		.02	
Boilermakers	8.60	.50	.65		.01	
Bricklayers, cement masons, marble setters, plasterers, terrazzo workers, and tile setters:						
Townships of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, Addison and the eastern portion of Bath Township, Rathbone and Borden	6.555	.20				
Bricklayers, cement masons, marble setters, plasterers, stone masons, and tile setters:						
Remainder of County	6.60	.25	.25	f		
Carpenters:						
Prattsburgh and Pultney Townships; and Urbana and Hammondsport:						
Carpenters, Building:						
Carpenters, and soft floor layers	7.81	.65	1.00		.005	
Core drillers, piledrivermen, timbermen & millwrights	7.91	.65	1.00		.005	
Carpenters, heavy and highway:						
Carpenters and piledrivermen	5.77	.90	.65	.25	.025	
Remainder of County:						
Carpenters, Building:						
Carpenters and soft floor layers	6.83	.30	.70			
Piledrivermen and millwrights	7.08	.30	.70			
Carpenters, heavy and highway	6.62	.35	45%		.025	
Cement masons, Heavy and Highway:						
Township of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, and Addison and eastern portion of Bath Township, Rathbone & Borden	6.33		.20			
Remainder of County	6.28		.25			
Electricians	8.50	.25	1%+.50	g	.05	
Glaziers	6.48	.35	.30		.01	
Ironworkers, structural, ornamental and reinforcing:						
Wayland Township; and Chocton, Atlantic and S. Dansville	8.51	.50	.40			
Remainder of County	7.85	.45	.40			

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers, Building:						
Laborers	$5.05	.25	.15			
Mortar mixers, hand and machine for 3 or more men, jackhammer operator, pavement breakers, pipe layers, over 6", gin buggy work on swing scaffold, concrete vibrator, chain saw operator, and all other gas, electric air tools	5.25	.25	.15			
Lathers	8.08		.20		.01	
Lead burners	8.25	.30		a	.01	
Line Construction:						
Linemen, cable splicer helpers and material man	8.60	.35	1%+.25	b	1½	
Cable splicer	9.35	.35	1%+.25	b	1½	
Groundman	7.50	.35	1%+.25	b	1½	
Groundman digging machine operator	8.45	.35	1%+.25	b	1½	
Groundman mobile equipment operator	8.00	.35	1%+.25	b	1½	
Groundman truck driver and mechanic	7.65	.35	1%+.25	b	1½	
Groundman dynamite man	8.00	.35	1%+.25	b	1½	
Painters:						
Townships of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:						
Painters	5.30	.25	.25			
Swing scaffold or boatswain chair, and bridges	5.65	.25	.25			
Structural Steel: Under 35'	5.65	.25	.25			
Over 35'	6.00	.25	.25			
Spray	6.00	.25	.25			
Remainder of County:						
Brush	6.19	.975	.30		.05	
Spray, bosun chair, sandblasting, swing stage	6.44	.975	.30		.05	
Steel Bridges	6.69	.975	.30		.05	
	7.67	.975	.30		.05	
Plumbers and Steamfitters:						
Hornell and vicinity	7.32	.30	.20	.25+c	.03	
Towns of Corning, Addison, Cameron, Mills, Hornby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford and part of Wayne and Reuka, Urbana, Bath, including the Veterans Facility, Hammondsport and Pultney	7.69	.31	.45		.05	
Roofers	7.90	.34	.44			
Sheet Metal workers	7.87	5%	.50			
Sprinkler fitters	8.75	.30	.50		.05	

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers, Building:						
Wayland Township	7.67	.30	.25	h		
Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Hornby, Bradford, and Wayne Townships	5.40	j	.20	d		
Remainder of County	6.73	.35	.23	i		
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. Holidays; A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

b. Holidays: A through F, Washington's Birthday, and Election Day for President of the United States and Election of Governor of New York State, providing employee works the day before and the day after the holiday.

c. Paid holidays: A through F; and two hours off with pay on Election Day.

d. Paid holidays: A through F.

e. Employer contributes $1.25 per day to Health and Welfare Fund.

f. Holidays; A through F; providing employee works the working day before and after the holiday.

g. Four hours off with pay at Christmas providing the employee has worked the first four hours.

h. Paid Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

i. Paid Holidays: A through F, and Veteran's Day.

j. Employer contributes $2.40 per day to the Health and Welfare fund.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers and drill helpers	$5.60	.30	.30	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootman, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper pipelayers	5.80	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.00	.30	.30	a		
Blasters, form setters, stone or granite curb setters	6.20	.30	.30	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

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BUILDING CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CRANES):						
kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,	8.45	.40	.65	a	.10	
Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity						
Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers	7.415	.40	.65	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
CRANES:						
121 ft. & under	$ 8.62	.40	.65	a	.10	
Between 121 - 151 ft.	8.87	.40	.65	a	.10	
Between 151 - 201 ft.	9.12	.40	.65	a	.10	
Between 201 - 251 ft.	9.37	.40	.65	a	.10	
Between 251 - 301 ft.	9.87	.40	.65	a	.10	
Between 301 - 351 ft.	10.37	.40	.65	a	.10	
Between 351 - 401 ft.	10.87	.40	.65	a	.10	
Between 401 - 451 ft.	11.37	.40	.65	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),	8.62	.40	.65	a	.10	
"A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but not to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less). (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all						

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	C
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$7.75	.65	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.45	.65	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$7.00	.65	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine; oiler, power broom power beaterman, revinius widener, steam cleaner, tractor	6.85	.65	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

N.Y. 1-TD-2-3-F

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.08	.40	.35	a		
Tandems and batch trucks, mechanics dispatcher	6.13	.40	.35	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.18	.40	.35	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.33	.40	.35	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.48	.40	.35	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-129 - Mod. #2 (37 FR 26233 - December 8, 1972) Palm Beach County, Florida						
Change:						
Building Construction						
Boilermakers	$7.13	.40	.70		.01	
Sprinkler Fitters	8.41	.30	.50		.07	
DECISION #AP-130 - Mod. #4 (37 FR 28359 - December 22, 1972) Orange County, Florida						
Change:						
Building Construction						
Boilermakers	7.13	.40	.70		.01	
Painters:						
Brush, roller	5.85	.30	.30		.05	
Spray	6.10	.30	.30		.05	
Paperhangers	6.35	.30	.30		.05	
Sandblaster	6.35	.30	.30		.05	
Structural steel	6.10	.30	.30		.05	
Sprinkler fitters	8.41	.30	.50		.07	
DECISION #AP-149 - Mod. #2 (38 FR 1453 - January 12, 1973) Fulton, Cobb, DeKalb Counties, Georgia						
Change:						
Building Construction						
Boilermakers	7.13	.40	.70		.01	
Bricklayers and stonemasons	7.80	.30	.30		.05	
Cement masons	6.95	.25	.55			
Lathers	7.10	.20	.10	.50	.04	
Millwrights	8.00					

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-28 - Mod. #4 (37 FR 23513 - November 3, 1972) Cook County, Illinois						
Change:						
Power Equipment Operators: (Heavy, Sewer & Highway) Construction						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.50	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-30 - Mod. #2 (37 FR 23975 - November 10, 1972) Dupage County, Illinois						
Change:						
Power Equipment Operators: (Heavy & Sewer Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-32 - Mod. #1 (37 FR 25631 - December 1, 1972) Kane County, Illinois						
Change:						
Power Equipment Operators: (Heavy Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-51 - Mod. #1						
(37 FR 26235 - December 8, 1972)						
Lake County, Illinois						
Change:						
Power Equipment Operators:						
(Heavy Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-68 - Mod. #2						
(37 FR 26240 - December 8, 1972)						
Will County, Illinois						
Change:						
Power Equipment Operators:						
(Heavy Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-604 - Mod. #1						
(38 FR 2575 - January 26, 1973)						
Winnebago County, Illinois						
Change:						
Laborers: (Building)						
Air Tool Op. (Jackhammer, Vibrator)	$6.05	.25	.20		.035	
Laborers	5.75	.25	.20		.035	
Mortar Mixers	5.90	.25	.20		.035	
Cement Handlers & Dumpers	5.90	.25	.20		.035	
Concrete Puddling	5.90	.25	.20		.035	
Stone Derrick Man, Concrete Saws	6.05	.25	.20		.035	
Mechanical Buggies	5.90	.25	.20		.035	
Electricians	8.25	.25	1%+.147		1%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-510 - Mod. #1						
(37 FR 23980 - November 10, 1972)						
Black Hawk County (City of Waterloo and abutting municipalities), Iowa						
Change:						
Building Construction:						
Bricklayers; Stonemasons	$7.19	.25	.37			
Electricians:						
Electricians	7.45	.20	1%		1%	
Cable splicers	7.90	.20	1%		1%	
Laborers:						
Common laborers; Carpenters' Helpers; Moving; Wrecking & Demolition	5.12	.25				
Mason tenders; Hod carriers; Machine & Air Tool Operator	5.22	.25				
Powderman	5.37	.25				
Plumbers; Steamfitters	7.95				.08	
Sheet metal workers	7.20	.25	.10			
DECISION #AM-6,708 - Mod. #3						
(37 FR 7031 - April 7, 1972)						
Leavenworth County, Kansas						
Change:						
Building Construction:						
Asbestos workers	$8.40	.30	.30		.02	
Electricians (Delaware, Kickapoo, High Prairie, & Leavenworth Townships):						
Electricians	8.30	.20	1%+.25	.70	.03	
Electricians (Remainder of County):						
Electricians; Technicians	8.35	.35	1%+.30		2/10%	
Ironworkers:						
Structural; Ornamental	8.50	.40	.40	.50	.05	
Reinforcing	8.50	.40	.40	.50	.05	
Marble setters	8.675	3.65%	3.25%			
Painters:						
Brush	6.25					
Spray	6.75					
Swing stage	6.50					
Structural steel	6.50					
General painting over 40' on ladders	6.50					
Pipefitters	8.52	.38	.75		.06	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers	8.675	3.65%	3.25%			
Tile Setters	8.675	3.65%	3.25%			
Bricklayers; Stonemasons	7.975	.35	.35	.15		
Omit:						
Building Construction:						
Cable splicers	8.80	.25	1%+.30		2/10%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-6,717 - Mod. #4 (37 FR 7458 - April 14, 1972) Shawnee County, Kansas						
Change:						
Building Construction:						
Bricklayers; Stonemasons	$7.70	.35	.25			
Electricians:						
Electricians	8.35	.35	1%+.30		2/10%	
Cable splicers	9.185	.35	1%+.30		2/10%	
DECISION #AP-501 - Mod. #4 (37 FR 16312 - August 11, 1972) Shawnee County, Kansas						
Change:						
Building Construction:						
Bricklayers; Stonemasons	$7.70	.35	.25			
Electricians:						
Electricians	8.35	.35	1%+.30		2/10%	
Cable splicers	9.185	.35	1%+.30		2/10%	
DECISION #AP-503 - Mod. #2 (37 FR 17349 - August 25, 1972) Douglas, Jefferson, Leavenworth, Miami, and Shawnee Counties, Kansas						
Change:						
Electricians:						
Leavenworth County (Delaware, High Prairie, Kickapoo & Leavenworth Townships)	$8.30	.20	1%+.25	.70	.03	
Douglas, Jefferson, Miami, Shawnee, & the remainder of Leavenworth Counties	8.35	.35	1%+.30		2/10%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-363 - Mod. #5 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change:						
Bricklayers; Stonemasons	$6.33					
DECISION #AP-456 - Mod. #3 (38 FR 2051 - January 19, 1973) Barnstable County, Massachusetts						
Change:						
Building, heavy & highway construction:						
Carpenters; Soft floor layers	$7.80	.35	.50			
DECISION #AP-470 - Mod. #1 (38 FR 4617 - February 16, 1973) Hampden County, Massachusetts						
Change:						
Footnote:						
c. $.15 per man per week						

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-504 - Mod. #2 (37 FR 17881 - September 1, 1972) St. Louis and St. Charles Counties, Missouri						
Change:						
Residential Building Construction St. Louis City & County & St. Charles County:						
Electricians:						
Electricians	$7.76	5%	1%+5½%	11%a+4½%	1%	
Elevator constructors	8.25	.345	.23	2%+b+c	.015	
Elevator constructors helpers	70%JR	.345	.23	2%+b+c	.015	
Ironworkers:						
Structural; ornamental; reinforcing	8.325	.40	.55		.05	
Terrazzo workers	7.55					
Site Preparation, Incidental Paving & Utilities-St. Charles County						
Power Equipment Operators Schedule						
See Modifications Ps. 8 & 9						
DECISION #AP-505 - Mod. #5 (37 FR 17933 - September 1, 1972) St. Louis and St. Charles Counties, Missouri						
Change:						
Building, Heavy & Highway-St. Louis City & County. Building-St. Charles County:						
Elevator constructors	$8.25	.345	.23	2%+b+c	.015	
Elevator constructors helpers	70%JR	.345	.23	2%+b+c	.015	
Terrazzo workers	7.55					
Heavy & Highway Construction: (St. Charles County Only)						
Carpenters, millwrights, pile-drivermen	8.21	.25	.30		.03	
DECISION #AP-249 - Mod. #3 (37 FR 25998 - November 10, 1972) Statewide, Oregon						
Change:						
Electricians:						
Clackamas; Clatsop; Columbia; Hood River; Multnomah; Sherman; Tillamook; Wasco; Washington; N. 1/2 of Yamhill Cos.						
Electricians	$7.75	.25	1%+.30		.02	
Cable splicers	8.35	.25	1%+.30		.02	

MODIFICATIONS P. 8

DECISION #AP-504 (Cont'd)

SITE PREPARATION, INCIDENTAL PAVING & UTILTIES-ST. CHARLES COUNTY

MO. 5-PEO-2,3 (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator-all types; Boat Operator; Boilers-2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; Highloader; Hoisting Engine-2 or more active drums; Launchhammer Wheel; Locomotive Operator - standard guage; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skinner Scoop Operator; Trenching Machine Operator; Truck Crane	$ 8.00	.35	.40		.02
A-Frame; Asphalt Roller Operator; Asphalt Plant Operator; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mix Operator, Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine-1; Locomotive Operator-narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom-self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator-2; Winch Truck	7.80	.35	.40		.02

DECISION #AP-504 (Cont'd)

MD. 5-PCD-2,3 (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Boilers-1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator -1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operater; Form Grader Operator; Generator Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination boiler & Booster); Fireman on Asphalt Plants, drum or boiler; Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.60	.35	.40		.02
Oiler	7.10	.35	.40		.02
Dragline Operator-3 yds. & over; Shovel -3 yds. & over; Clamshell-3 yds. &over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.25	.35	.40		.02
Scoop Operator; tandem; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.50	.35	.40		.02

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,865 - Mod. #6 (36 FR 16333 - August 20, 1971) 5 Eastern Counties, Pennsylvania Change: Laborers Schedule See Modifications P. 11						
DECISION #AM-9,323 - Mod. #6 (37 FR 12023 - June 16, 1972) Philadelphia, Pennsylvania Change: Building Construction: Soft floor layers Heavy & Highway Construction: Laborers Schedule See Modifications P. 11	$6.73	.35	.35	.40		
DECISION #AM-9,681 - Mod. #10 (37 FR 4030 - February 25, 1972) Montgomery County, Pennsylvania Change: Building Construction: Soft floor layers Heavy & Highway Construction: Laborers Schedule See Modifications P. 11	6.73	.35	.35	.40		
DECISION #AP-408 - Mod. #5 (37 FR 15275 - July 28, 1972) Delaware County, Pennsylvania Change: Building Construction: Soft floor layers Heavy & Highway Construction: Laborers Schedule See Modifications P. 11	6.73	.35	.35	.40		

DECISIONS #AM-1,865; AM-9,323; AM-9,681; AP-408 (Cont'd)

PA-51-LAB-2-1- G

HEAVY & HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
Powdermen, Multiple wagon drill op.	$6.45	.45	.20		
Finished surface asphalt rakers, ops. pipelayers, caulkers, conduct and duct layers	6.25	.45	.20		
Other pneumatic tool ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in sheeting, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, Scaffold builders	6.15	.45	.20		
Wagon drill operators	6.30	.45	.20		
YARD WORKERS:					
Laborers, Scale mixermen, Burnermen Dustmen. Feeders	6.05	.45	.20		
FREE AIR TUNNELS:					
Miners, Miners bore driver, Blasters, Drillers, Pneumatic Shield operators, Welders & Burners	6.70	.45	.20		
Miners' helpers, Form setters	7.55	.45	.20		
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	6.40	.45	.20		
Circular caisson excavation bottom men	6.55	.45	.20		
Underpinning excavation bottom men	6.45	.45	.20		
All other laborers on construction work, with the exception of workers in compressed air	6.15	.45	.20		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,858 - Mod. #9 (36 FR 16294 - August 20, 1971) Luzerne County, Pennsylvania						
Change:						
Building Construction:						
Carpenters:						
Hazleton, Black Creek, Butler, Dennison, Sugar Loaf and the lower part of Salem Township, Carbon, Banks, Lausanne, Lehigh, Packer and Kidder Towhship North of Route 940	$6.95	.20	.25		.02	
Remainder of County	7.10	.20	.25		.02	
Omit:						
Building Construction:						
Carpenters:						
Duryea	4.75	.15	.25			
Berwick and Freeland Commercial and Industrial	6.95	.20	.25		.02	
DECISION #AP-404 - Mod. #3 (37 FR 15229 - July 28, 1972) Bucks, Chester, Delaware, Montgomery Philadelphia Counties, Pennsylvania						
Change:						
Soft floor layers	6.73	.35	.35	.40		
DECISION #AP-421 - Mod. #7 (37 FR 20447 - September 29, 1972) Allegheny County, Pennsylvania						
Change:						
Building Construction:						
Tile setters	6.85	.35	.95			
Tile setters helpers	7.89					
Millwrights	7.325	4%	3%+26%		1%	
Heavy and Highway:						
Cement masons	7.17	.43	1.08			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-423 - Mod. #5 (37 FR 20458 - September 29, 1972) Dauphin County, Pennsylvania						
Change: Building Construction:						
Electricians	$8.56	.35	1¼+.11		½%	
Soft floor layers	6.74	.20	.25		.02	
DECISION #AP-424 - Mod. #5 (37 FR 20460 - September 29, 1972) Cumberland County, Pennsylvania						
Change: Building Construction:						
Electricians	8.56	.35	1¼+.11		½%	
Soft floor layers	6.74	.20	.25		.02	
DECISION #AP-389 - Mod. #3 (38 FR 2625 - January 26, 1973) Galveston County, Texas						
Change: Building Construction:						
Plasterers	$6.825	.27	.30		.05	
DECISION #AP-468 - Mod. #2 (38 FR 4177 - February 9, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia						
Add: Painters:						
Paperhangers and glove work	$5.95		.20			
Epoxy - brushed or rolled	5.85		.20			
Rollers - with handles 6' or over	5.85		.20			

SUPERSEDEAS DECISION

AP-477 P. 2

STATE: Connecticut COUNTY: Tolland
DECISION NO.: AP-477 DATE: Date of Publication
Supersedes Decision No. AP-434, dated October 6, 1972, in 37 FR 21234.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-CONN-1-2-3-M 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers:						
Somers-Strafford-Union	$7.60	.39	.15		.01	
Remainder of County	8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	9.00	.50	.25			
Marble Setters' helpers, Terrazzo Workers helpers, Tile Setters' helpers	7.65	.35	.15+.25			
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway)	7.60	.40	.25	e		
Carpenters & Piledrivermen (Hvy. & Hwy)	8.30	.35	.20	e	.03	
Carpenters, Soft Floor Layers & Pile-drivermen (Building Only):						
Bolton	8.48	.45	.30		.05	
Remainder of County	8.27	.25	.20			
Electricians	8.35	.40	1%+.20		½%	
Elevator constructors	8.21	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (Prob.)	4.105					
Glaziers (Outside)	8.01	.47	.32			
Ironworkers: Structural, Ornamental, Reinforcing *	9.30	.35	.44		.04	
Laborers (Building, Heavy and Highway):						
Laborers, Carpenter Tenders, Wrecking Laborers	6.60	.30	.30		.05	
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	6.85	.30	.30		.05	
Air Track Operators, Wagon Drill Operators and Sandblasters	7.10	.30	.30		.05	
Open Air Caisson, cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Sommers, Stafford, Stratford Spring, Straffordville, Union, Crystal Lake	7.60	.45	.25			
Remainder of County	9.15	.20	.30		.01	
Lead Burners	7.80	.30		c	.01	
Line Construction:						
Linemen, Dynamite Man	5.18	.10	1%	d		
Equipment Operator	4.37	.10	1%	d		
Groundman, Truck Driver	3.85	.10	1%	d		
Groundman, Experienced	3.41	.10	1%	d		
Groundman, Inexperienced	2.98	.10	1%	d		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Brush:						
Ellington, Hebron, Rockville, Somers, Vernon	$7.50	.20	.20			
Remainder of County	6.70	.25	.40	.20		
Bridge:						
Ellington, Hebron, Rockville, Somers, Vernon	8.50	.20	.20			
Spray:						
Ellington, Hebron, Rockville, Somers, Vernon	11.25	.20	.20		.15	
Bridge:						
Remainder of County	8.50	.25	.40	.20		
Plumbers	8.65	5%	5%			
Roofers:						
Composition	7.90	.425	.35	.30		
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		
Slate, Tile, Precast Concrete	8.40	.425	.35	.30		
Sheet Metal Workers	8.70	.50	.51		.05	
Sprinkler Fitters	8.00	.25	.40		.05	
Steamfitters	8.82	.54	.54		.05	
Waterproofers	7.90	.425	.35	.30		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the 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. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

e. Paid holidays: A through F plus Good Friday.

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BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kobering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, Fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. Employer contributes $.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.						

SUPERSEDEAS DECISION

STATE: Connecticut
DECISION NO.: AP-478
COUNTY: Windham
DATE: Date of Publication
Supersedes Decision No. AP-437, dated October 13, 1972, in 37 FR 21756.
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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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	$8.715	.42	.28			
Woodstock	7.60	.34	.15		.01	
Remainder of County	8.70	.39	.35		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setter, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters, (Building Only)	6.20	.14	.15			
Bricklayers, Cement Masons-Finishers Stonemasons (Heavy and Highway)	7.60	.40	.25	f		
Carpenters & Piledrivermen (Hvy. & Hwy.)	8.30	.35	.20	f	.03	
Carpenters, Soft Floor Layers, Piledrivermen (Building Only)	8.27	.25	.20			
Electricians	8.35	.40	1%+.20		½%	
Elevator Constructors	8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers (Prob.)	4.105					
Glaziers (Outside)	8.01	.47	.32			
Ironworkers, Structural, Ornamental, Reinforcing	9.30	.35	.44		.04	
Laborers (Building, Heavy and Highway):						
Laborers, Carpenter Tenders, Wrecking Laborers	6.60	.30	.30		.05	
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	6.85	.30	.30		.05	
Air Track Operators, Wagon Drill Operators and Sandblasting	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Chaplin, Hampton, Scotland, Windham	9.15	.20	.30		.01	
Danielson	7.40	.45	.50		.01	
Remainder of County	7.60	.45	.25			
Lead burners	7.80	.30		c	.01	
Line Construction:						
Linemen, Dynamite Man	5.18	.10	1%	e		
Equipment Operator	4.37	.10	1%	e		
Groundman, Truck Driver	3.85	.10	1%	e		
Groundman, Experienced	3.41	.10	1%	e		
Groundman, Inexperienced	2.98	.10	1%	e		
Marble Setters' helpers, Terrazzo Workers' helpers, Tile setters' helpers	7.65	.35	.15+.25			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Willimatic:						
Brush	$7.50	.20	.20			
Spray	11.25	.20	.20			
Bridge	8.50	.20	.20			
Remainder of County	6.70	.25	.40	.20		
Plumbers:						
Windham	8.65	5%	5%		.15	
Remainder of County	6.55	.15	.20			
Roofers:						
Composition	7.90	.425	.35	.30		
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		
Slate, Tile, Precast Concrete	8.40	.425	.35	.30		
Waterproofers	7.90	.425	.35	.30		
Sheet Metal Workers	8.70	.30	.31		.05	
Sprinkler Fitters	8.00	.25	.40		.05	
Steamfitters:					.05	
Windham	8.82	.54	.54			
Remainder of County	6.55	.15	.20			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the 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. Seven (7) paid holidays: A through F, and Good Friday provided the employee has worked at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

e. Paid holidays: A through F plus Good Friday.

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & louder	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: Fairfield
DECISION NO.: AP-471 DATE: Date of Publication
Supersedes Decision No. AP-445, dated November 25, 1972, in 37 FR 25130.
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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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters: (Building only)						
Darien-Stamford	8.70	4%	.25			
Norwalk-New Canaan	8.25	.50	.50	k		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.47	.35+.15	.50			
Greenwich	8.70	.40	.45			
Remainder of County	8.35	.35+.15	.25			
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.83	6.5%	7%			
Remainder of County	7.65	.35	.15+.25			
Terrazzo workers' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.98	.88	.43			
Remainder of County	7.65	.35	.15+.25			
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	4.85	6%	4%+.45			
Remainder of County	7.65	.35	.15+.25			
Bricklayers, cement masons-finishers stonemasons: (Heavy & Highway only)						
Stamford-Darien	7.85	4%	.15	h		
Greenwich	7.35	.30	.15	h		
Remainder of County	7.75	.35	.15	h		
Carpenters, soft floor layers: (Building only)						
Darien-Stamford-New Canaan-Wilton-Ridgefield	8.55	.40	.30		.05	
Norwalk	8.40	.50	.30	i	g	
Sherman	5.25	.15	.15			
Westport-Weston	8.15	.20	.20	f		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.25	.35	f		
Greenwich	7.95	.35	.30	.50		
Shelton	7.75	.45	.20	j		
Remainder of County	8.55	.30	.30	i		
Carpenters - Piledrivermen: (Heavy & Highway only)	8.30	.35	.30	h	.03	
Electricians:						
Darien-Greenwich-New Canaan-Stamford	7.30	3-3/4%	7.5%	10%	½ of 1%	
Norwalk-Westport-Wilton-Weston	8.20	.33	1%+.20		1%	
Remainder of County	8.35	.33	1%+.20		½ of 1%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Elevator constructors	$8.21	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	½ 105 5.30	.125	.125			
Glaziers						
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.35	.44		.04	
Laborers: (Building, Heavy & Highway)						
Laborers, carpenter tenders, wrecking laborers	6.60	.30	.30		.05	
Jackhammer operator, mason tenders, mortar mixer, pipe layers, plasterer tenders, power buggy operator	6.85	.30	.30		.05	
Air track operators, wagon drill operators and sand blasters	7.10	.30	.30		.05	
Open air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.10	.30	.30		.05	
Top man	6.60	.30	.30		.05	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75	.25	.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	7.91	.25	.20	.75	.01	
Remainder of County	8.10	.25	.25		.01	
Lead burners	7.80	.30		c	.01	
Line Construction:						
Darien-Greenwich-New Canaan-Stamford-that portion of Norwalk West of Five Mile River:						
Linemen	8.88	3-3/4%	7.5%	10%	½ of 1%	
Cable splicer	8.88	3-3/4%	7.5%	10%	½ of 1%	
Driver groundmen	8.88	3-3/4%	7.5%	10%	½ of 1%	
Remainder of County:						
Linemen, cable splicer, welder, pipelayers, dynamite man	6.11	.15	1%	d		
Digger op., equipment operator	5.21	.15	1%	d		
Groundman, truck driver	4.99	.15	1%	d		
Cable splicer helper	4.85	.15	1%	d		
Groundman	4.39	.15	1%	d		
Painters:						
Greenwich:						
Brush	6.80	3%	9%	4%		
Structural steel	6.80	3%	9%	4%		
Spray	6.80	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters (Cont'd):						
New Canaan:						
Brush	$4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Bytam:						
Brush	6.25	.29	.76-6/7			
Structural steel	7.14-2/7	.29	.76-6/7			
Darien-Stamford:						
Brush	6.00	.25	.20			
Structural steel	6.00	.25	.20			
Spray	6.00	.25	.20			
Remainder of County:						
Brush	7.00	.25	.25	e		
Structural steel	8.00	.25	.25	e		
Millwrights	8.65	.50	.30	i		
Norwalk	8.00	.40	.20		g	
Piledrivermen: (Building Only)						
Greenwich	7.55	.35	.20	.50		
Darien-Stamford-New Canaan	8.25	.40	.20		.05	
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.20	.35	f		
Norwalk	8.40	.50	.30	i	g	
Shelton	7.75	.35	.20			
Sherman	5.25	.15	.15			
Westport-Weston	8.15	.20	.20	f		
Wilton-Ridgefield	8.25	.40	.20		.05	
Remainder of County	8.15	.20	.20	i		
Plumbers, Steamfitters:						
Greenwich	9.00	.30	.30		.01	
Bethel-Brookfield-Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	8.10	.30	.30			
New Canaan	8.20	.40	.30			
Stamford-Darien	9.20	.55	.30	4%		
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	8.88	.30	.30	.36	.01	
Remainder of County	8.35	.40	.30	.30		
Roofers:						
Composition, kettlemen	8.50	.60	.30			
Slate	8.75	.60	.30			
Helper (slater)	7.75	.60	.30			
Precast slab	9.00	.60	.30			
Precast slab helper	8.25	.60	.30			
Sheet metal workers	5.42	.10	.20			
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers	8.50	.60	.30			
Welders - 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: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A and D through F and Good Friday, providing the employee is available for work the days preceding and following the holiday.

e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.

f. Holidays: B,C,D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Employer contributes fifty dollars per year.

h. Paid Holidays: A through F plus Good Friday.

i. Paid Holidays: Labor Day, ½ day on Christmas Eve and on New Year's Eve.

j. Paid Holidays: C through E.

k. Paid Holidays: C and D.

SW-CONN-1-Q

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ½ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

SW-CONN-2-3-U

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDEAS DECISION

STATES: Maryland and Virginia

COUNTIES: Montgomery and Princes Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport

DECISION NO.: AP-492

DATE: Date of Publication

Supersedes Decision No. AP-443, dated November 17, 1972, in 37 FR 24515.

DESCRIPTION OF WORK: Building Construction (excluding all residential projects).

1-DC-1-2-T 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.65	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement Masons:						
Cement Masons	7.75	.255	.20		.05	
Grinding Machine	8.00	.255	.20		.05	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.58	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers	6.01	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers (Prob).	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.00	.45	.35		.01	
Ornamental & chain link fence	8.00	.45	.35		.01	
Reinforcing	7.85	.35	.25		.03	
Laborers:						
Common laborers, landscapers	6.07	.28	.25		.05	
Acetylene burners used on wrecking	6.57	.28	.25		.05	
Air tool op., scaffold builders, paving breakers, tommasters, buggy mobiles, spaders, mortarmen and scootcretes	6.22	.28	.25		.05	
Pipelayers	6.22	.28	.25		.05	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	7.245	.28	.25		.05	
Powersaw, well points	6.32	.28	.25		.05	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		½ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		½ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		½ of 1%	
Groundmen (over 2 years)	6.68	.20	1%		½ of 1%	
Marble Setters	8.60	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	7.89	.25	.29		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.46	.41	.18		.03	
Steel, sandblasting, swing stage, power brushing	7.79	.41	.18		.03	
Pildrivermen	7.905	.25	.29		.07	
Plasterers	8.015	.45	.25		.06	

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1-DC-1-2-T 2 of 3

BUILDING CONSTRUCTION, (Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Plumbers	$8.93	.38	.25		.10	
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Sheet metal workers	8.30	.60	.66		.06	
Soft floor layers	7.77	.25	.29		.07	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.79	.40	.40		.07	
Stone masons	8.60	.35	.25			
Terrazzo & mosaic workers	8.31	.40	.30			
Terrazzo workers' helpers	7.10	e	.20			
Tile setters	8.31	.40	.30			
Tile setters' helpers	7.10	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, water sprinkler, tunnel work ground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 dyas and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.315	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch platns, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.065	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.015	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	7.915	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.065	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.915	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	7.665	.35	.35		.10	
Air compressors (on steel)	7.735	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.485	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.655	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.465	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.265	.35	.35		.10	
Apprentice engineers:						
Firemen	6.605	.35	.35		.10	
Truck crane oilers	6.485	.35	.35		.10	
Oilers	6.435	.35	.35		.10	

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Anoka
DECISION NUMBER: AP-638 DATE: Date of Publication
Supersedes decision No. AP-605 dated January 19, 1973, in 38 FR 2003
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

2-MINN-1-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights, Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians, Twps of Anoka & Fridley	8.00	5.5%	4%	10%	1%	
Electricians, Remainder of County	8.00	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble setters	7.385	.445	.23	.56		
Painters: Brush	7.60	.35	.25		.04	
Structural steel & Spray	8.10	.35	.25		.04	
Plasterers	7.39	.31	.20		.01	
Plumbers	7.28	.38	.35	1.25	.02	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-Receive rate prescribed for craft performing operation to which welding is incidential.						

PAID HOLIDAYS: A-New years Day B-Memorial Day C-Independance Day D-Labor Day E-Thanksgiving Day F-Christmas Day.

FOOTNOTES: a. Employer contributes 4% of basic hourly rate for over 5 Yrs. service and 2 basic hourly rate for 6 Mos. to 5 Yrs. service as vacation pay credit. Six paid holidays A through F.
b. Out-of-town employers will pay $6.40 per hour with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one years service, one week vacation with pay; three years service, two weeks vacation with pay; fifteen years, three weeks with pay.

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Othe
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5						
Underground work	6.25	.35	.35	.40		
Class 6						
Pipe layer	6.30	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8						
Nozzlemen	6.40	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

2-MINN-2-3 U

Site preparation, excavation and incidential paving

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Othe
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

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MINN-9-LAB-2-3. E Area 1 (1-2)

Site preparation, excavation and incidential paving

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

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MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Hole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidental paving

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-639
COUNTIES: Carver, Hennepin, & Scott
DATE: Date of Publication
Supersedes Decision No. AP-606 dated January 19, 1973 in 38 FR 2074
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories.)

27-MINN-1 U

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helper	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters:						
Scott Co. S/W of Bell Plaine	7.65	.20			.02	
Remainder of Area	7.36	.40	.20	.50	.02	
Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement Masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians & Linemen	8.00	5.5%	4%	10%	1%	
Equipment Operator	8.00	5.5%	4%	10%	1%	
Groundman	6.60	5.5%	4%	10%	1%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.35	.25		.04	
Spray, Structural Steel, Swing stage	8.10	.35	.25		.04	
Plumbers, pipefitters & steamfitters	7.28	.38	.35	1.25	.02	
Plasterers	7.39	.31	.20		.01	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.83	.32	.30			
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-receive rate for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: A-New Years Day B-Memorial Day C-Independence Day D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basis hourly rate for over 5 Yrs. service, 2% basis hourly rate for from 6 Mos. to 5 Yrs. service as vacation pay credit. Six Paid Holidays A through F
b. Out-of-town contractors pay the rate of $8.40 with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee to H & W fund.
d. Employee with at least 1,700 hours service during the current year and 1 year's service - 1 week vacation with pay; 3 years service - 2 weeks vacation with pay; 15 years service - 3 weeks vacation with pay

MINN-1-PED-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Creteplace type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzleman	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

27-MINN-2-3 U

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

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MINN-9-LAB-2-3- E Area 1 (1-2)

Site preparation, excavation and incidential paving

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS: CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3- (7-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

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MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, Excavation and Incidential Paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Others
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-640
COUNTIES: Dakota, Ramsey & Washington
DATE: Date of Pulbication
Supersedes Decision No. AP-607 dated January 19, 1973 in 38 FR 2078
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments upt to and including 4 stories.)

62-MINN-1-w

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians, linemen & Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicer & Technician	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.66	.25	.25	.50	.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush, Paperhanger	7.68	.35	.15		.06	
Spray, Structural Steel, Swing stage	8.18	.35	.15		.06	
Plumbers & Steamfitters	7.42	.38	.35	1.14	.05	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Riggers & Welders: receive rate prescribed for craft performing operation to which rigging or welding is incidential.						

PAID HOLIDAYS: A. New Years Day; B. Memorial Day; C. Independence Day; D. Labor Day; E. Thanksgiving Day; F. Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years service, 2% basic hourly rate for 6 months to 5 years as vacation pay credit Six paid holidays A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefit payments.

c. Employer will contribute $25.00 per month for each employee into the Health & Welfare Fund.

d. Employees with at least 1,700 hours service during the current year & 1 year's service - 1 week vacation with pay; 3 years' service - 2 weeks vacation with pay; 15 years' service - 3 weeks with pay.

AP-640 P. 2

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELLING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pubpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

62-MINN-2-3 W

Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

MINN-9-LAB-2-3- E Area 1 (1-2)

Site preparation, excavation and incidental paving	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH
LABORERS: CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3- (2.2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

AP-640 P. 6

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 5 (Cont'd) Launchernan, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipe-line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turna-pull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Malt. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-641
COUNTY: St. Louis (Duluth Only)
DATE: Date of Publication
Supersedes Decision No. AP-608 dated January 19, 1973 in 38 FR 2082
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Asbestos Workers	$7.80	.15		.40		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.67	.25	.25	.50		
Carpenters & Piledrivermen	7.50	.25		.30		
Millwrights	7.72	.25		.30		
Cement masons	7.595	.25				
Electricians:						
Electrical contracts under $5,000.	7.50	4%	4%	11%	1.5%	
Electrical contracts $5,000. & over	8.00	4%	4%	11%	1.5%	
Elevator Constructors	6.84	.185	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.185	.20	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Ironworkers	7.95	.25	.45	.10		
Lathers	7.75	.15				
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.25			.05	
Paperhangers, sandblasting, spray, structural steel, bridge, swing stage	7.85	.25			.05	
Plasterers	7.55	.15		.30		
Plumbers & Pipefitters	6.86	.25	.45	1.00	.05	
Roofers:						
Roofers	7.40	.25	.10	.50		
2nd Roofers	7.15	.25	.10	.50		
Kettlemen	6.95	.25	.10	.50		
Helpers	6.05	.25	.10	.50		
Sheet Metal Workers	7.59	.25	.20			
Soft Floor Layers	7.50	.25		.30		
Sprinkler Fitters	8.75	.30	.50		.02	

PAID HOLIDAYS: A-New Years Day B- Memorial Day C-Independance Day D- Labor Day E- Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as vacation pay credit
Six paid holidays: A through F

AP-641 P. 2

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Koehring type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KW & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-641 P. 3
MINN-27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Class 1 — Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 — Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 — Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 — Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 — Underground work	6.25	.35	.35	.40		
Class 6 — Pipe layer	6.30	.35	.35	.40		
Class 7 — Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 — Nozzlemen	6.40	.35	.35	.40		
Class 9 — Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

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Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.43	.25		.30		
PILEDRIVERMEN	7.43	.25		.30		
CEMENT MASONS	7.85	.15				

AP-641 P. 4
MINN-10-LAB-2-3-d Area 2

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS CLASS I UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.25	.15	.25		
CLASS II BITUMINOUS SHOVELER: Bottom man (sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.25	.15	.25		
CLASS III BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.25	.15	.25		
CLASS IV DRILL RUNNER (heavy, including churn drill)	6.38	.25	.15	.25		
CLASS V BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.25	.35	.25		
CLASS VI NOZZLEMAN (gunite)	6.48	.25	.15	.25		
CLASS VII POWDERMAN	6.58	.25	.15	.25		
CLASS VIII TUNNEL MINER	6.68	.25	.15	.25		

AP-641 P. 5 MINN-7H-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-641 P. 6 MINN-7H-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving — AP-641 P. 7 — MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota

COUNTIES: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington

DECISION NUMBER: AP-642

DATE: Date of Publication

Supersedes Decision No. AP-609 dated January 19, 1973 in 38 FR 2085

DESCRIPTION OF WORK: Heavy and Highway Construction

2-10-19-27-62-70-82-MINN-2-3 L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS: (Carver, Hennepin, Scott & Twps. of Anoka & Fridley in Anoka County)						
Electrician, Lineman, Equip. Op.	8.00	5.5%	4%	10%	1%	
Groundman 1st 6 months	6.48	5.5%	4%	10%	1%	
Groundman thereafter	6.60	5.5%	4%	10%	1%	
ELECTRICIANS: (Remainder of area)						
Electrician, Lineman, Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicers, Technicians	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
IRONWORKERS	7.85	.45	.45		.02	
PAINTERS: (Anoka, Carver, Hennepin and Scott Counties)						
Brush	7.60	.35	.25		.04	
Structural Steel	8.10	.35	.25		.04	
PAINTERS: (Dakota, Ramsey and Washington Counties)						
Brush	7.68	.35	.15		.06	
Structural Steel	8.18	.35	.15		.06	

AP-642 p. 2

MINN-9-LAB-2-3- E Area 1 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Hole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-642 P. 5

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launchernan, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

AP-642 P. 6

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-643
COUNTIES: Cook, Lake & St. Louis
DATE: Date of Publication

Supersedes Decision No. AP-610 dated January 19, 1973 in 38 FR 2088

DESCRIPTION OF WORK: Heavy & Highway Construction

16-38-69-MINN-2-3 I

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$7.43	.25		.30		
CEMENT MASONS	7.85	.15	.25			
ELECTRICIANS (N. ½ of St. Louis Co.)						
Electricians	8.00	4%	3%	11%	1.5%	
Cable splicer	8.55	4%	3%	11%	1.5%	
Lineman	8.00	4%	3%	11%	1.5%	
Groundman	7.10	4%	3%	11%	1.5%	
ELECTRICIANS (Remainder of Area)						
Electrical Contracts $5,000. & over	7.70	4%	4%	11%	1.5%	
Electrical Contracts under $5,000.	7.20	4%	4%	11%	1.5%	
IRONWORKERS	7.95	.25	.45	.10		
PAINTERS: (Portion of St. Louis Co. including the cities of Bear River, Bengal, Bubl, Chisholm, Green Corner, Greaney, Hibbing, Kelly Lake, Riley, Sherwood, Side Lake, Silica, and Toivola)						
Brush	5.50					
Structural Steel	6.60					
PAINTERS: Remainder of Area						
Brush	7.60	.25			.05	
Structural Steel	7.85	.25			.05	

AP-643 P. 2
MINN-10-LAB-2-3-4 Area 2

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.25	.15	.25		
CLASS II						
BITUMINOUS SHOVELER: Bottom man (sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.25	.15	.25		
CLASS III						
BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.25	.15	.25		
CLASS IV						
DRILL RUNNER (heavy, including churn drill)	6.38	.25	.15	.25		
CLASS V						
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.25	.15	.25		
CLASS VI						
NOZZLEMAN (gunite)	6.48	.25	.15	.25		
CLASS VII						
POWDERMAN	6.58	.25	.15	.25		
CLASS VIII						
TUNNEL MINER	6.68	.25	.15	.25		

AP-643 P. 3

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-643 P. 4

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 145 and under, Concrete Saw Op. (Hilt. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER; Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Anoka
DECISION NUMBER: AP-644 DATE: Date of Publication
Supersedes Decision No. AP-611 dated January 19, 1973 in 38 FR 2091
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

2-MINN-1-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights, Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians, Twps of Anoka & Fridley	8.00	5.5%	4%	10%	1%	
Electricians, Remainder of County	8.00	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble setters	7.385	.445	.23	.56		
Painters: Brush	7.60	.35	.25		.04	
Structural steel & Spray	8.10	.35	.25		.04	
Plasterers	7.39	.31	.20		.01	
Plumbers	7.28	.38	.35	1.25	.02	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-Receive rate prescribed for craft performing operation to which welding is incidential.						

PAID HOLIDAYS: A-New years Day B-Memorial Day C-Independance Day D-Labor Day E-Thanksgiving Day F-Christmas Day.

FOOTNOTES: a. Employer contributes 4% of basic hourly rate for over 5 Yrs. service and 2 basic hourly rate for 6 Mos. to 5 Yrs. service as vacation pay credit. Six paid holidays A through F.
b. Out-of-town employers will pay $8.40 per hour with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one years service, one week vacation with pay; three years service, two weeks vacation with pay; fifteen years, three weeks with pay.

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Concreto type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5						
Underground work	6.25	.35	.35	.40		
Class 6						
Pipe layer	6.30	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8						
Nozzleman	6.40	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

2-MINN-2-3 U

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AF-644 P. 4
MINN-9-LAB-2-3- E Area 1 (1-71)

Site preparation, excavation and incidential paving	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatman (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3-

(7-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

Site preparation, excavation and incidential paving

AP-644 P. 6

MISN-7M-PED-2-3 A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth.
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipe line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidental paving

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
COUNTIES: Carver & Hennepin
DECISION NUMBER: AP-645
DATE: Date of Publication
Supersedes Decision No. AP-612 dated January 19, 1973 in 38 FR 2095
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

27-MINN-1 U

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helper	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters:						
Scott Co. S/W of Bell Plaine	7.65	.20			.02	
Remainder of Area	7.36	.40	.20	.50	.02	
Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement Masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians & Linemen	8.00	5.5%	4%	10%	1%	
Equipment Operator	8.00	5.5%	4%	10%	1%	
Groundman	6.60	5.5%	4%	10%	1%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.35	.25		.04	
Spray, Structural Steel, Swing stage	8.10	.35	.25		.04	
Plumbers, pipefitters & steamfitters	7.28	.38	.35	1.25	.02	
Plasterers	7.39	.31	.20		.01	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.83	.32	.30			
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-receive rate for craft performing operation to which welding is incidential.						

PAID HOLIDAYS: A-New Years Day B-Memorial Day C-Independence Day D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basis hourly rate for over 5 Yrs. service, 2% basi hourly rate for from 6 Mos. to 5 Yrs. service as vacation pay credit. Six Paid Holidays A through F
b. Out-of-town contractors pay the rate of $8.40 with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee to H & W fund.
d. Employee with at least 1,700 hours service during the current year and 1 year's service - 1 week vacation with pay; 3 years service - 2 weeks vacation with pay; 15 years service - 3 weeks vacation with pay

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MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - 4

Laborers:

Building Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5						
Underground work	6.25	.35	.35	.40		
Class 6						
Pipe layer	6.30	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8						
Nozzlemen	6.40	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

27-MINN-2-3 U

Site preparation, excavation and incidential paving

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

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MINN-9-LAB-2-3- E Area 1 (1-2)

Site preparation, excavation and incidental paving

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

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MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Hult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: Dakota & Ramsey
DECISION NUMBER: AP-646 — DATE: Date of Publication
Supersedes Decision No. AP-613 dated January 19, 1973 in 38 FR 2099
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

62-MINN-1-w

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians, linemen & Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicer & Technician	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.66	.25	.25	.50	.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush, Paperhanger	7.68	.35	.15		.06	
Spray, Structural Steel, Swing stage	8.18	.35	.15		.06	
Plumbers & Steamfitters	7.42	.38	.35	1.14	.05	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Riggers & Welders: receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS: A. New Years Day; B. Memorial Day; C. Independence Day; D. Labor Day; E. Thanksgiving Day; F. Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years service, 2% basic hourly rate for 6 months to 5 years as vacation pay credit. Six paid holidays A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefit payments.

c. Employer will contribute $25.00 per month for each employee into the Health & Welfare Fund.

d. Employees with at least 1,700 hours service during the current year & 1 year's service - 1 week vacation with pay; 3 years' service - 2 weeks vacation with pay; 15 years' service - 3 weeks with pay.

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5						
Underground work	6.25	.35	.35	.40		
Class 6						
Pipe layer	6.30	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8						
Nozzlemen	6.40	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

62-MINN-2-3 W

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AP-646 P. 4

MINN-9-LAB-2-3- E Area 1 (1-21)

Site preparation, excavation and incidential paving

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, temper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3-

(Tag2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

Site preparation, excavation and incidential paving

AP-646 P. 6

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd) Launchman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil road oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
COUNTY: St. Louis (Duluth Only)
DECISION NUMBER: AP-647
DATE: Date of Publication
Supersedes Decision No. AP-614 dated January 19, 1973, in 38 FR 2103
DECSRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.80	.15		.40		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.67	.25	.25	.50		
Carpenters & Piledrivermen	7.50	.25		.30		
Millwrights	7.72	.25		.30		
Cement masons	7.595	.25				
Electricians:						
Electrical contracts under $5,000.	7.50	4%	4%	11%	1.5%	
Electrical contracts $5,000. & over	8.00	4%	4%	11%	1.5%	
Elevator Constructors	6.84	.185	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.185	.20	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Ironworkers	7.95	.25	.45	.10		
Lathers	7.75	.15				
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.25			.05	
Paperhangers, sandblasting, spray, structural steel, bridge, swing stage	7.85	.25			.05	
Plasterers	7.55	.15		.30		
Plumbers & Pipefitters	6.86	.25	.45	1.00	.05	
Roofers:						
Roofers	7.40	.25	.10	.50		
2nd Roofers	7.15	.25	.10	.50		
Kettlemen	6.95	.25	.10	.50		
Helpers	6.05	.25	.10	.50		
Sheet Metal Workers	7.59	.25	.20			
Soft Floor Layers	7.50	.25		.30		
Sprinkler Fitters	8.75	.30	.50		.02	

PAID HOLIDAYS: A-New Years Day B- Memorial Day C-Independance Day D- Labor Day E- Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as vacation pay credit
Six paid holidays: A through F

AP-647 P. 2

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AF-647 P. 3

MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5						
Underground work	6.25	.35	.35	.40		
Class 6						
Pipe layer	6.30	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8						
Nozzlemen	6.40	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

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Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.43	.25		.30		
PILEDRIVERMEN	7.43	.25		.30		
CEMENT MASONS	7.85	.15				

AF-647 P. 4

MINN-10-LAB-2-3-d Area 2

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS						
CLASS I						
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.25	.15	.25		
CLASS II						
BITUMINOUS SHOVELER: Bottom man (sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.16	.25	.15	.25		
CLASS III						
BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.25	.15	.25		
CLASS IV						
DRILL RUNNER (heavy, including churn drill)	6.38	.25	.15	.25		
CLASS V						
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.25	.15	.25		
CLASS VI						
NOZZLEMAN (gunite)	6.48	.25	.15	.25		
CLASS VII						
POWDERMAN	6.58	.25	.15	.25		
CLASS VIII						
TUNNEL MINER	6.68	.25	.15	.25		

AP-647 P. 5 MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

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POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidental paving

AF-647 P. 7 MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

STATE: Mississippi
DECISION NUMBER: AP-162
Supersedes Decision No. AM-491 dated August 20, 1971 36 FR 16466
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-1

Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster Cos.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool operator	$1.75					
Asphalt raker	2.25					
Bricklayer	4.13					
Carpenter	2.90					
Carpenters' helper	2.25					
Cement mason (finisher)	2.75					
Concrete saw operator	2.75					
Electrician	4.50					
Electrician's helper	2.50					
Form setter	3.25					
Grade checker	2.30					
Ironworker, reinforcing	2.50					
Ironworker's helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.10					
Mechanic helper	2.25					
Painter (structural steel)	2.50					
Piledriverman	2.50					
Truck driver	1.85					
Welder	2.50					

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Aggregate spreader operator	2.30					
Air compressor operator	2.75					
Asphalt distributor-spreader op.	2.35					
Asphalt plant	2.50					
Backhoe or shovel operator	2.85					
Bulldozer operator	2.75					
Concrete batch plant operator	2.70					
Concrete finishing machine operator	3.00					
Curing machine operator	2.50					
Concrete paving machine operator	3.25					
Concrete spreader machine operator	2.60					
Crane, dragline operator	2.80					
Earth auger	2.75					
Fireman	2.50					
Joint filler	2.00					
Joint setter	2.38					
Loader operator (all types)	2.50					
Mechanic	2.80					
Mixer operator (all types)	2.50					
Motor patrol operator	2.75					
Mulcher operator	1.75					
Oiler - greaser	2.00					
Piledriver operator	3.00					
Roller operator (self-propelled)	2.09					
Scales (all types)	2.50					
Scraper operator	2.75					
Striping machine operator	3.25					
Tractor operator (track type)	2.50					
Tractor operator (wheel type)	1.75					
Trenching machine	2.60					
Mud-Jack operator	2.50					
Concrete breaker & hydo-hammer op.	2.00					

STATE: Mississippi
DECISION NUMBER: AP-163
Supersedes Decision No. AM-492 dated August 20, 1971 - 36 FR 16467
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-7

Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha Counties.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Operator	$ 1.85					
Asphalt Raker	2.00					
Bricklayer	3.50					
Carpenter	2.85					
Carpenter Helper	2.30					
Cement Mason (Finisher)	2.85					
Concrete Saw Operator	2.50					
Electrician	4.25					
Electrician Helper	2.75					
Form Setter	2.75					
Grade Checker	2.50					
Ironworker, Reinforcing	2.50					
Ironworker Helper, Reinforcing	2.00					
Ironworker, Structural	2.50					
Laborer, Unskilled	1.60					
Mason Tender (Cement Mason Helper)	2.25					
Mechanic Helper	1.90					
Painter (Structural Steel)	3.00					
Piledriverman	2.80					
Truck Driver	1.60					
Welder	2.30					
POWER EQUIPMENT OPERATORS						
Aggregate Spreader Operator	2.20					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.25					
Asphalt Plant	2.55					
Backhoe or Shovel Operator	2.75					
Bulldozer Operator	2.50					
Concrete Batch Plant Operator	2.75					
Concrete Finishing Machine Operator	2.75					
Curing Machine Operator	1.75					
Concrete Paving Machine Operator	2.50					
Concrete Spreader Machine Operator	2.30					
Crane, Dragline Operator	2.80					
Guard Rail Post Driver	2.50					
Earth Auger	2.75					
Fireman	2.50					
Joint Filler	1.75					
Loader Operator (All types)	2.30					
Mechanic	2.50					
Mixer Operator (All types)	2.25					
Motor Patrol Operator	2.85					
Mulcher Operator	1.75					
Oiler - Greaser	1.75					
Piledriver Operator	3.15					
Roller Operator (Self-propelled)	2.00					
Scales (All types)	1.90					
Scraper Operator	2.75					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.25					
Tractor Operator (Wheel type)	1.70					
Trenching Machine	2.10					
Concrete Breaker & Hydo-Hammer Operator	2.25					

SUPERSEDEAS DECISION

STATE: Mississippi
DECISION NUMBER: AP-164
Supersedes Decision No. AM-493 dated August 20, 1971 - 36 FR 16469
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-3

Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Operator	$2.50					
Asphalt Raker	2.30					
Bricklayer	4.00					
Carpenter	3.00					
Carpenter Helper	2.25					
Cement Mason (Finisher)	3.00					
Concrete Saw Operator	2.65					
Electrician	3.50					
Electrician Helper	2.50					
Form Setter	3.00					
Grade Checker	2.25					
Ironworker, Reinforcing	2.50					
Ironworker Helper, Reinforcing	2.00					
Ironworker, Structural	2.50					
Laborer, Unskilled	1.60					
Mason Tender (Cement Mason Helper)	2.50					
Mechanic Helper	2.30					
Painter (Structural Steel)	3.00					
Piledriverman	2.65					
Truck Driver	1.75					
Welder	3.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
"A" Frame Truck (Winch)	2.75					
Aggregate Spreader Operator	2.30					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.30					
Asphalt Plant	2.75					
Backhoe or Shovel Operator	2.60					
Bulldozer Operator	2.80					
Concrete Batch Plant Operator	2.85					
Concrete Finishing Machine Operator	3.00					
Curing Machine Operator	2.50					
Concrete Paving Machine Operator	3.00					
Concrete Spreader Machine Operator	3.00					
Crane, Dragline Operator	3.00					
Guard Rail Post Driver	3.00					
Earth Auger	3.05					
Fireman	2.75					
Joint Filler	2.30					
Joint Setter	2.75					
Loader Operator (All types)	2.50					
Mechanic	2.95					
Mixer Operator (All types)	2.35					
Motor Patrol Operator	2.85					
Mulcher Operator	1.75					
Oiler - Greaser	2.25					
Filedriver Operator	3.25					
Roller Operator (Self-propelled)	2.25					
Steel Machine Operator	2.25					
Scales (All types)	2.35					
Scraper Operator	2.80					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.50					
Tractor Operator (Wheel type)	1.60					
Trenching Machine	2.25					
Pipelayor	2.25					
Crusher Feeder Operator	3.50					

STATE: Mississippi
DECISION NUMBER: AP-165
Supersedes Decision No. AM-494 dated August 20, 1971 - 36 FR 16469
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-4

Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith and Winston Counties.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Tool Operator	$2.30					
Asphalt Raker	2.44					
Bricklayer	4.50					
Carpenter	3.00					
Carpenter Helper	2.50					
Cement Mason (Finisher)	2.75					
Concrete Saw Operator	2.20					
Electrician	4.25					
Electrician Helper	3.00					
Form Setter	2.50					
Grade Checker	2.10					
Ironworker, Reinforcing	2.75					
Ironworker Helper, Reinforcing	2.25					
Ironworker, Structural	2.75					
Laborer, Unskilled	1.60					
Mason Tender (Cement Mason Helper)	2.15					
Mechanic Helper	2.30					
Painter (Structural Steel)	3.25					
Piledriverman	2.75					
Truck Driver	1.75					
Welder	2.75					

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Aggregate Spreader Operator	2.30					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.30					
Asphalt Plant	2.55					
Backhoe or Shovel Operator	2.85					
Bulldozer Operator	2.80					
Concrete Batch Plant Operator	3.00					
Concrete Finishing Machine Operator	2.90					
Curing Machine Operator	2.30					
Concrete Paving Machine Operator	3.00					
Concrete Spreader Machine Operator	2.80					
Crane, Dragline Operator	3.00					
Earth Auger	2.75					
Fireman	2.50					
Joint Setter	2.25					
Loader Operator (All types)	2.40					
Mechanic	2.80					
Mixer Operator (All types)	2.25					
Motor Patrol Operator	2.85					
Mulcher Operator	1.75					
Oiler - Greaser	2.00					
Piledriver Operator	3.10					
Roller Operator (Self-propelled)	3.10					
Scales (All types)	2.30					
Scraper Operator	2.80					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.25					
Tractor Operator (Wheel type)	1.75					
Trenching Machine	2.25					
Mud-Jack Operator	2.25					
Pipelayer	2.25					
Crusher Feeder Operator	3.50					

SUPERSEDEAS DECISION

AP-166 P. 2

STATE: Mississippi
DECISION NUMBER: AP-166
Supersedes Decision No. AM-495 dated August 20, 1971 · 36 FR 16470
COUNTY: See Below
DATE: Date of Publication
DESCRIPTION OF WORK: Highway Construction.

MISSISSIPPI 3-AREA-5

Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne and Wilkinson Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
Air tool operator	$2.00					
Asphalt raker	2.15					
Bricklayer	3.75					
Carpenter	3.00					
Carpenters' helper	2.50					
Cement mason (finisher)	2.80					
Concrete saw operator	2.50					
Electrician	4.10					
Electrician's helper	2.50					
Form setter	2.75					
Grade checker	2.25					
Ironworker, reinforcing	2.50					
Ironworker's helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.50					
Mechanic helper	2.25					
Painter (structural steel)	3.25					
Piledriverman	2.75					
Truck driver	1.80					
Welder	2.90					

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
"A" Frame Truck (Winch)	2.50					
Aggregate Spreader Operator	2.30					
Air Compressor Operator	2.30					
Asphalt Distributor-Spreader Operator	2.31					
Asphalt Plant	2.70					
Backhoe or Shovel Operator	2.70					
Bulldozer Operator	2.75					
Concrete Batch Plant Operator	2.50					
Concrete Finishing Machine Operator	2.80					
Concrete Paving Machine Operator	2.80					
Concrete Spreader Machine Operator	2.75					
Crane, Dragline Operator	3.00					
Guard Rail Post Driver	2.50					
Earth Auger	2.80					
Fireman	2.55					
Joint Filler	2.50					
Joint Setter	2.30					
Loader Operator (All types)	2.50					
Mechanic	2.80					
Mixer Operator (All types)	2.30					
Motor Patrol Operator	2.85					
Mulcher Operator	1.70					
Oiler - Greaser	2.30					
Piledriver Operator	3.17					
Roller Operator (Self-propelled)	2.30					
Scales (All types)	2.13					
Scraper Operator	2.80					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.75					
Tractor Operator (Wheel type)	1.85					
Trenching Machine	1.70					
Crusher Feeder Operator	2.50					

STATE: Mississippi
DECISION NUMBER: AP-167
Supersedes Decision No. AM-496 dated August 20, 1971 - 36 FR 16471
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 1-ARRA-6

George, Hancock, Harrison, Jackson, Pearl River and Stone Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Tool Operator	$2.00					
Asphalt Raker	2.45					
Bricklayer	4.25					
Carpenter	3.30					
Carpenter Helper	2.75					
Cement Mason (Finisher)	3.10					
Concrete Saw Operator	3.37					
Electrician	5.40					
Electrician Helper	3.27					
Form Setter	2.75					
Grade Checker	2.20					
Ironworker, Reinforcing	3.00					
Ironworker Helper, Reinforcing	2.25					
Ironworker, Structural	3.00					
Laborer, Unskilled	1.90					
Mason Tender (Cement Mason Helper)	2.45					
Mechanic Helper	2.00					
Painter (Structural Steel)	3.50					
Piledriverman	3.00					
Truck Driver	2.00					
Tugboat Operator	2.50					
Welder	3.50					

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
"A" Frame Truck (Wineh)	2.30					
Aggregate Spreader Operator	2.71					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.60					
Asphalt Plant	2.80					
Backhoe or Shovel Operator	3.10					
Bulldozer Operator	3.00					
Concrete Batch Plant Operator	3.00					
Concrete Finishing Machine Operator	3.00					
Curing Machine	2.80					
Concrete Paving Machine Operator	3.25					
Concrete Spreader Machine Operator	2.75					
Crane, Dragline Operator	3.25					
Guard Rail Post Driver	2.50					
Earth Auger	2.75					
Fireman	3.00					
Joint Filler	2.80					
Loader Operator (All types)	2.80					
Mechanic	3.25					
Mixer Operator (All types)	3.00					
Motor Patrol Operator	3.00					
Mulcher Operator	1.90					
Oiler - Greaser	2.30					
Piledriver Operator	3.40					
Roller Operator (Self-propelled)	2.25					
Scales (All types)	2.00					
Scraper Operator	3.00					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.25					
Tractor Operator (Wheel type)	2.00					
Trenching Machine	2.50					
Pipelayer	2.35					
Sub Grade Machine Operator	3.00					
Crusher Feeder Operator	2.50					

SUPERSEDEAS DECISION

AP-264 P. 2

STATE: Nevada

COUNTIES: Statewide (excluding the Nevada Test Site & Tonopah Test Range

DECISION NO.: AP-264

DATE: Date of Publication

Supersedeas Decision No. AP-236 dated September 22, 1972 in 37 FR 19919

DESCRIPTION OF WORK: Heavy and Highway Construction (excluding water well drilling)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS						
Clark, Esmeralda, Lincoln, Nye(south of Hwy. #6 and including the town of Tonopah	$6.50	.45	.60	.80	.03	
Nye(north of Hwy. #6, excluding the town of Tonopah) and all remaining Counties	6.25	.50	.70	.90	.03	
ELECTRICIANS						
Clark & Lincoln Counties, and Nye County (south of Mt. Diablo Base Line)						
Electricians & Technicians	9.60	.43	1%		.05	
Cable Splicers	9.93	.43	1%		.05	
Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye (remaining portions), Ormsby, Pershing, Storey, Washoe & White Pine Counties (excluding Lake Tahoe Area)						
Electricians	8.49	.53	1%+.25		.02	
Cable Splicers	9.29	.53	1%+.25		.02	
Lake Tahoe Area						
Electricians	9.24	.53	1%+.25		.02	
Cable Splicers	10.12	.53	1%+.25		.02	
IRONWORKERS						
Elko, Eureka (Northeast portion including Cities of Palisade, Beowawe & Eureka), Humboldt (Northeast portion incl. Town of McDermit to south-southeast border of Humboldt Co.), Lander (Northeast portion incl. City of Battle Mountain, Lincoln (Northeast portion south of 37th parallel), Nye (northeast portion), and White Pine Counties						
Structural; Ornamental; Reinforcing; Fence Erectors, Machinery Movers; Riggers	$7.08	.40	.65		.05	
Remainder of State						
Structural; Ornamental	8.38	.58	.625	.70	.02	
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
PAINTERS:						
Clark-Esmeralda-Lincoln-Nye (South of Manhattan)						
Brush	8.23	.32	.25		.02	
Spray; Steel Painters; Swing Stage; Sand Blaster; Pot Tender; Sign Painting	8.48	.32	.25		.02	
Structural Steel and Ruffing Steel	8.73	.32	.25		.02	
Steeple Jack	9.48	.32	.25		.02	
Churchill, Douglas, Eureka, Elko, Humboldt, Lander, Lyon, Mineral, Nye (remaining portion), Ormsby, Pershing, Storey and Washoe Counties (excluding Lake Tahoe Area)						
Brush	6.85	.30	.20	.40		
Spray; Structural Steel	7.10	.30	.20	.40		
Lake Tahoe Area						
Brush	7.70	.30	.20	.40		
Spray; Structural Steel	7.95	.30	.20	.40		
PLUMBERS						
Clark, Lincoln and Nye (south of Hwy #6) Counties	8.40	.45	.95	1.60	.06	
Nye (north of Hwy. #6), and Remaining Counties	8.10	.30	.60	1.55	.07	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

AF-264 P.3

2-NEV-LAB-1-2-3-d (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: Clark, Esmeralda, Lincoln, & Nye Counties						
GROUP I LABORERS-general or Construction; Demolition (cleaning of brick, lumber, etc.; Dry packing of concrete, and filling of form-bolt holes; Gas and oil pipeline; Laborer-Temporary water lines (portable type); Window cleaner	$5.60	.26	.60	1.00		
GROUP II Cutting Torch Op. (Demolition); Tarman & Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, & similar type materials	5.65	.26	.60	1.00		
GROUP III Guinea Chaser	5.68	.26	.60	1.00		
GROUP IV Fine Grader, highway & street paving, airport, runways & similar type heavy construction; Landscape gardener & nursery-man.	5.70	.26	.60	1.00		
GROUP V Laborers-packing rod steel & pans	5.72	.26	.60	1.00		
GROUP VI Underground laborer including Caisson Bellowers	5.73	.26	.60	1.00		
GROUP VII Chucktender (except tunnels); Scaler; Tank scaler & cleaner	5.75	.26	.60	1.00		
GROUP VIII Cesspool Digger & Installer	5.78	.26	.60	1.00		
GROUP IX Concrete Curer-impervious membrane & oiler of all materials; Riprap stone-paver; Sandblaster (Pot Tender); Making & Caulking of all non-metallic pipe joints	5.79	.26	.60	1.00		

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2-NEV-LAB-1-2-3-d (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (cont'd)						
GROUP X 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 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	$5.81	.26	.60	1.00		
GROUP XI Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)	5.86	.26	.60	1.00		
GROUP XII Driller and/or pavement breaker	5.89	.26	.60	1.00		
GROUP XIII Oversize concrete vibrator op., 70 lbs. & over; Laying of all non-metallic pipe, including sewer pipe, drain pipe & underground tile	5.91	.26	.60	1.00		
GROUP XIV Gas & oil pipeline wrapper - 6 inch pipe & over	5.94	.26	.60	1.00		
GROUP XV 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	5.96	.26	.60	1.00		
GROUP XVI Steel Headboardman	6.025	.26	.60	1.00		

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2-NEV-LAB-1-2-3-d (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (cont'd)						
GROUP XVII						
Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills	6.05	.26	.60	1.00		
GROUP XVIII						
Head Rock Slinger	6.12	.26	.60	1.00		

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1-NEV-LAB-1-2-3- f (1-2)

LABORERS: Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt Workers (Ironers, Shoveler, Cutting machine); Buggymobile; Chain-saw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer under ½ yds.; Concrete pan work (bread-pan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench jacking, Hand-guided 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; Post-hole 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)	$6.05	.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)	5.90	.40	.30		

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
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	$5.80	.40	.30			
GROUP IV						
Burning and Welding in connection with laborers work	6.15	.40	.30			
GROUP V						
Joy Drill Model TWM-2A, Gardner Denver Model DWA3 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	6.30	.40	.30			
GROUP VI						
Nozzleman, Rodman	6.60	.40	.30			
Gunman, Materialman	6.30	.40	.30			
Reboundman	5.95	.40	.30			

TUNNEL LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Except Clark, Esmeralda, Lincoln, & Nye Counties						
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, Retimbermen-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; Gunnite Nozzlemen; Rodmen, Groundmen	5.90	.40	.30			
SHIFTERS	6.15	.40	.30			
SHAFT WORK & Raise-Shifters	6.45	.40	.30			

POWER EQUIPMENT OPERATORS
Clark, Esmeralda, Lincoln, & Nye Counties

2-NEV-PEO-1-2-3-e (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
GROUP I BRAKEMAN; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman	6.88	.75	1.20	.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, 10c per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Pland 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	7.12	.75	1.20	.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	7.36	.75	1.20	.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.)	7.47	.75	1.20	.30	.02	

2-NEV-PEO-1-2-3-e (2-4)

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
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; Forklift (under 5 ton capacity); Machine Tool; Magimmis 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 yds. & up to & incl. 1 1/2 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)	$7.66	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADING (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lime Road Pactor 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	Apprn. Tr.	Others
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 yds. & 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.;	$7.76	.75	1.20	.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-tired Earth Moving Equip. (single engine over 50						

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprn. Tr.	Others
GROUP VII (Cont'd) 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., M&C; Wooda Mixer and similar Pugmill Equip.; Heavy Duty Repairman - Welder Combination	$7.86	.75	1.20	.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; Rubbertired 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 additonal	8.00	.75	1.20	.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)	8.10	.75	1.20	.30	.02	

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1-NEV-PEO-1-2-3-e (1-5)

AREA 1*	Basic Hourly Rates	Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.	Others
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	6.56	.55	1.00	.65	.31	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; 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	7.45	.55	1.00	.65	.31	
GROUP V						
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31	

AP-264 P. 14

1-NEV-PEO-1-2-3-e (2-5)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
GROUP VI		H & W	Pensions	Vacation	App. Tr.	Others
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	7.71	.55	1.00	.65	.31	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; 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; Slusher; Soil Tester						

AREA 1*

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (CONT'D) (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	7.86	.55	1.00	.65	.31	
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; Kem-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixer-mobile; 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;	8.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (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; Sub-Grader (Gurries or other types);	8.34	.55	1.00	.65	.31	

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd) GROUP X	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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) Rubber tired Scraper (self-loading)	8.53	.55	1.00	.65	.31	
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						

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AREA 1* 1-NEV-PEO-1-2-3-e (5-5)

POWER EQUIPMENT OPERATORS (Cont'd) GROUP XI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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)	8.76	.55	1.00	.65	.31	
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)	9.63	.55	1.00	.65	.31	

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AREA 2** 3-NEV-PEO-1-2-3-e (1-5)

POWER EQUIPMENT OPERATORS: GROUP I	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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	7.56	.55	1.00	.65	.31	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	7.87	.55	1.00	.65	.31	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	8.03	.55	1.00	.65	.31	
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	8.45	.55	1.00	.65	.31	
GROUP V						
CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	8.62	.55	1.00	.65	.31	
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,						

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd): GROUP VI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
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	8.71	.55	1.00	.65	.31	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; 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; 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)	8.86	.55	1.00	.65	.31	

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
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", H.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 eqeipment; 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;	9.16	.55	1.00	.65	.31	
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (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; Sub-Grader (Gurries or other types);	9.34	.55	1.00	.65	.31	
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						

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AREA 2**

3-NEV-PEO-1-2-3-e (4-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP X (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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) Rubber tired Scraper, Self Loading	9.53	.55	1.00	.65	.31	
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 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)	9.76	.55	1.00	.65	.31	

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AREA 2**

3-NEV-PEO-1-2-3-e (5-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP XI-A	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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)	10.63	.55	1.00	.65	.31	

TRUCK DRIVERS

Douglas, Ormsby, Storey Counties & those areas within 25 mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Granby Co., Lovelock in Pershing Co., and Reno in Washoe Co.

1-NEV-TD-1-2-3-d (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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		

1-NEV-TD-1-2-3-d (2-2)

TRUCK DRIVERS (Cont'd):	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		

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3-NEV-TD-1-2-3-d (1-2)

REMAINING PORTIONS OF NEVADA

	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 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	6.35	.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		

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3-NEV-TD-1-2-3-d (2-2)

TRUCK DRIVERS (Cont'd):

	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		

Clark, Esmeralda & Lincoln Counties and Nye County(south of Highway 6)

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2-HEV-TD-1-2-3-1 (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: Clark, Esmeralda, & Lincoln Counties; & Nye County (south of Highway 6)						
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 or Busses on Job Site used for transportation of up to 25 passengers	$7.20	.25	.30			
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 or more than 25 passengers); Road Oil Spreading by Truck Drivers; Time spent Spreading Oil	7.31	.25	.30			
GROUP III Drivers of Transit-mix Trucks, under 3 yds. Dumpcrete Truck, less than 6½ yds. water level	7.36	.25	.30			

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2-HEV-TD-1-2-3-1 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (CONT'D)						
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.	7.52	.25	.30			
GROUP V 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, 20 tons & over; Drivers of Fuel & Water Trucks, 6000 gals, & over	7.70	.25	.30			
GROUP VI 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	8.20	.25	.30			

** AREA 2: All areas not included within Area 1 as defined below.

* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;

Thence Easterly to the N.E. corner of township 22N, range 22E;

Thence Southerly to the N.E. corner of township 20N, range 22E;

Thence Easterly to the N.W. corner of township 20N, range 26E;

Thence Northerly to the N.W. corner of township 22N, range 26E

Thence Easterly to the N.W. corner of township 22N, range 29E;

Thence Northerly to the N.W. corner of township 30N, range 29E;

Thence Easterly to the N.E. corner of township 30N, range 33E;

Thence Southerly to the S.E. corner of township 24N, range 33E;

Thence Westerly to the S.E. corner of township 24N, range 31E;

Thence Southerly to the S.E. corner of township 16N, range 31E;

Thence Westerly to the S.E. corner of township 16N, range 30E;

Thence Southerly to the S.E. corner of township 15N, range 30E;

Thence Westerly to the S.E. corner of township 15N, range 27E;

Thence Southerly to the S.E. corner of township 14N, range 27E;

Thence Westerly to the S.E. corner of township 14N, range 23E;

Thence Southerly to the S.E. corner of township 13N, range 23E;

Thence Westerly to the S.E. corner of township 13N, range 22E;

Thence Southerly to the N.E. corner of township 10N, range 22E;

Thence Easterly to the N.E. corner of township 10N, range 23E;

Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;

Thence Easterly to the S.E. corner of township 37N, range 52E;

Thence Northerly to the N.E. corner of township 37N, range 52E;

Thence Easterly to the N.W. corner of township 37N, range 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 55E;

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.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Churchill, Douglas, Lyon, Mineral, Ormsby, and Washoe

DECISION NO.: AP-265

DATE: Date of Publication

Supersedes Decision No. AP-242 dated September 22, 1972 in 37 FR 19934

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.87	.40	.35	.90	.04	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
ZONE A: Within 15 mi. radius of court house in Reno	8.45	.40			.01	
ZONE B: Within 15 to 35 mi. radius of court house in Reno	8.80	.40			.01	
ZONE C: Within 25 to 75 mi. radius of court house in Reno	9.20	.40			.01	
BRICK TENDERS:						
ZONE A: 0-15 mi. from court house in Reno	6.50	.40	.30			
ZONE B: 15-35 mi. from court house in Reno	6.85	.40	.30			
ZONE C: 35-75 mi. from court house in Reno	7.25	.40	.30			
CARPENTERS:						
Churchill & Mineral Counties						
Carpenters	6.25	.50	.70	.90	.03	
Floor Layers; Shinglers; Power Saw Op.; Patent Scaffold Erector	6.40	.50	.70	.90	.03	
Millwrights	6.55	.50	.70	.90	.03	
Lyon, Douglas, Ormsby & Washoe Counties						
Carpenters	6.25	.50	.70	.90	.03	
Floor Layers; Shinglers; Power Saw Op.; Patent Scaffold Erector	6.40	.50	.70	.90	.03	
Millwrights	6.55	.50	.70	.90	.03	
CEMENT MASONS						
Except Lake Tahoe Area						
Cement Masons	6.70	.50	.40	1.00	.01	
Mastic, Magnesite Composition; Trowelling Machine	6.95	.50	.40	1.00	.01	
Lake Tahoe Area						
Cement Masons	7.90	.50	.40	1.00	.01	
Mastic, Magnesite Composition; Trowelling Machine	8.15	.50	.40	1.00	.01	
ELECTRICIANS						
Except Lake Tahoe Area						
Electricians:						
Electricians	8.24	.53	1%+.25		.01	
Cable splicers	9.04	.53	1%+.25		.01	
Lake Tahoe Area						
Electricians:						
Electricians	8.99	.53	1%+.25		.01	
Cable splicers	9.87	.53	1%+.25		.01	
ELEVATOR CONSTRUCTORS	9.21	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	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						
Except Lake Tahoe Area						
Painters:						
Brush	6.85	.30	.20	.40		
Spray; Structural	7.10	.30	.20	.40		
Lake Tahoe Area						
Brush	7.70	.30	.20	.40		
Spray, Structural Steel	7.95	.30	.20	.40		
PLASTERERS	7.00	.45	.40			
PLASTERERS' TENDERS:						
Zone A: Less than 75 mi. from Reno	6.25	.40	.30			
Zone B: Over 75 mi. from Reno	6.375	.40	.30			
Working on Hardwall Gun (except light texture mixture):						
Zone A: Less than 75 mi. from Reno	6.50	.50	.40			
Zone B: Over 75 mi. from Reno	6.625	.50	.40			
PLUMBERS; Steamfitters	8.10	.30	.60	1.55	.07	
ROOFERS	5.70	.25	.05		.02	
SHEET METAL WORKERS	7.90	.59	.90	10%	.02	
SOFT FLOOR LAYERS	8.35	.30	.20			
SPRINKLER FITTERS	11.30	.30	.50		.05	
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.

AP-265 - P. 3

1 NEV-LAB-1-2-3-j (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt Workers (Ironers, Shoveler, Cutting machine); Buggymobile; Chainsaw, Faller, Loglooader and Bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench jacking, Hand-guided 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; Riprap-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; Vibrascreed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	$ 6.05	.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)	5.90	.40	.30			

AP-264 - P. 4

1-NEV-LAB-1-2-3-j (2-2)

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III						
All cleanup work of debris, grounds, and buildings including windows & tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brush-loader and Filer	5.80	.40	.30			
GROUP IV						
Burning and Welding in connection with laborers' work	6.15	.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, Severline, Gasline, Conduit; Asphalt Rakers	6.30	.40	.30			
GROUP VI						
Nozzleman, Rodman	6.60	.40	.30			
Gunman, Materialman	6.30	.40	.30			
Reboundman	5.95	.40	.30			

AREA 1*

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	6.56	.55	1.00	.65	.31	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; 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	7.45	.55	1.00	.65	.31	
GROUP V						
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31	

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
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	7.71	.55	1.00	.65	.31	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; 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; Slusher; Soil Tester						

AREA 1*

POWER EQUIPMENT OPERATORS (CONT'D):

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII (CONT'D) (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	7.86	.55	1.00	.65	.31	
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, Mixer-mobile; 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;	8.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (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; Sub-Grader (Gurries or other types);	8.34	.55	1.00	.65	.31	

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) Rubber tired Scraper (self-loading)	8.53	.55	1.00	.65	.31	
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*

1-HEV-PEO-1-2-3-e (5-5)

POWER EQUIPMENT OPERATORS (Cont'd) GROUP XI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
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)	8.76	.55	1.00	.65	.31	
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)	9.63	.55	1.00	.65	.31	

AREA 2**

3-HEV-PEO-1-2-3-e (1-5)

POWER EQUIPMENT OPERATORS: GROUP I	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
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	7.56	.55	1.00	.65	.31	
GROUP II COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	7.87	.55	1.00	.65	.31	
GROUP III BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	8.03	.55	1.00	.65	.31	
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	8.45	.55	1.00	.65	.31	
GROUP V CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	8.62	.55	1.00	.65	.31	
GROUP VI BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways,						

AREA 2** AP-265 - P. 11 3-NEV-PEO-1-2-3-e (2-5)

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI (Cont'd)						
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	8.71	.55	1.00	.65	.31	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machines, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammars); 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; 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)	8.86	.55	1.00	.65	.31	

AREA 2** AP-265 - P. 12 3-NEV-PEO-1-2-3-e (3-5)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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;	9.16	.55	1.00	.65	.31	
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (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; Sub-Grader (Gurries or other types);	9.34	.55	1.00	.65	.31	
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						

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP X (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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) Rubber tired Scraper, Self Loading	9.53	.55	1.00	.65	.31	

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 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)

	9.76	.55	1.00	.65	.31	

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):

GROUP XI-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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)	10.63	.55	1.00	.65	.31	

1-NEV-TD-1-2-3-d (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Douglas, Ormsby, Storey Counties & those areas within 25 mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Ormsby Co., Lovelock in Pershing Co., and Reno in Washoe Co.						
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		

1-NEV-TD-1-2-3-d (2-2)

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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 Mhn & Fuel Island Man	5.55	.41	.25	.25		

REMAINING PORTIONS OF NEVADA

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
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 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	6.35	.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):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
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		

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: BRONX, KINGS, QUEENS, NEW YORK & RICHMOND
DECISION NO.: AP-487
DATE: Date of Publication

Supersedes Decision No. AM-1,721, dated August 11, 1971, in 36 FR 14908.
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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BUILDING HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.50	13.1%	9%	12%		
Boilermakers	8.88	5%	5%+10%	7%	.01	
Bricklayers	8.70	.78	2.92	.30		
Carpenters, Building:						
Carpenters, soft floor layers	8.90	.80	1.45	.50	.02	
Millwrights	8.90	.80	1.45	.50	.02	
Dock builders & piledrivermen	8.90	.80	1.45	.50	.02	
Carpenters, Heavy:						
Carpenters	8.70	.80	1.40	.50	.02	
Dock builders & piledrivermen	8.70	.80	1.40	.56	.02	
Timbermen	8.11	.80	1.45	.50	.02	
Cement masons	8.75	.845	.695+.50		.01	
Electricians and linemen	9.43	u	1%+a	v + b		
Elevator constructors	7.96	.075	.125 + m	c + d		
Elevator constructors' helpers	5.79	.075	.125 + m	c + d		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructors modernization	7.24	.075	.125 + m	c + d		
Elevator constructors modernization' helpers	5.43	.075	.125 + m	c + d		
Elevator constructors repair	6.37	.075	.125 + m	c + d		
Elevator constructors repair's helpers	4.78	.075	.125 + m	c + d		
Glaziers	7.30	6%	6%+1.20	5%		
Ironworkers:						
Structural	9.38	.49	94.90	.99+y+c	.04	
Ornamental finisher	7.80	.52	.65+1.20	9%		
Reinforcing	7.80	.655	.655+1.00	.70	.01	
Laborers:						
Asphalt spreaders (Hwy.)	5.10	4%	4%	e		
Asphalt rubbers, kettlemen, helpers	4.40	4%	4%	e		
Asphalt rakers	7.13	1.05	.87	s		
Asphalt tampers	6.98	1.05	.87	s		
Asphalt laborers	6.96	1.05	.87	s		
Blasters (Hwy.)	8.44	.725	1.135	f + .55		
Cement concrete workers	8.05	.5025	.7025			
Curb setters, flaggers (Hwy.)	6.35	.75	.32	e		
Form setters (Hwy.)	7.89	1.05	.87	s		
Laborers, puddlers, concrete rakers (Hwy.)	7.01	1.05	.87	s		
Laborers, (Bldg., & Hvy.)	7.15	1.17	.71+.05	s		
Mason tenders	7.10	.637	.545+.50			
Pavers (Hwy.)	6.35	.75	.32	e		
Plasterers' helpers (Kings)	7.05	1.60		.65		
Plasterers' helpers (Queens)	7.05	1.10		1.15		
Plasterers' helpers (NY-Bronx-Richmond)	7.50	.70	.50			
Pneumatic-gas-elec. tool op. (Hvy.)	7.36	.725	1.135	.55+f		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Cont'd)						
Powder carriers (Hvy.)	$6.70	.725	1.135	.55+f		
Rammers (Hwy.)	6.10	.75	.32			
Wagon drills (Hvy.)	7.50	.725	1.135	.55+f		
Lath hoister (except Richmond)	5.80	.12				
Lathers, metallic	7.80	.655	.655+1.00	.70	.01	
Lathers, nail-on (King & Queens)	5.95	8%	6% + .20	.70		
Lathers, nail-on (NY-Bronx-Richmond)	6.75	.30	.25	g	.01	
Lead burners	8.25				.01	
Marble setters:						
Carvers	7.55	.63	.66+w+x			
Cutters, setters	7.40	.63	.66+w+x			
Sawyers, rubbers, polishers	7.17	.63	.66+w+x			
Crane operators & derrickmen	6.93	.63	.66+w+x			
Crane operators helpers	6.93	.63	.66+w+x			
Painters:						
Brush	6.35	6½%	6½% + h	3%		
Spray, spray gun and scaffold work	7.71	6½%	6½% + h	3%		
Structural steel	7.50	8%	11%			
Structural steel spray	8.50	8%	11%			
Plasterers:						
Kings	7.55	.85		1.35	.01	
Queens	7.55	i			.01	
Bronx-NY-Richmond	7.55	.95	.65	.90	.01	
Plumbers:						
Manhattan and Bronx	7.50	.868	.565	.763	.04	
Kings-Queens	8.67	.56	1.09+j	.48	.10	
Richmond	7.90	.45	k+1.25	.87	.29	
Riggers	8.10	5½%	12%+.55	6½%+.15		
Roofers:						
Composition, damp & waterproofers	7.55	6%	1.43	4%		
Slate-tile (Kings-Queens)	6.45	8%	.50	5%		
Slate-tile helpers (Kings-Queens)	5.13	8%	.50	5%		
Slate-tile (Bronx-NY-Richmond)	7.45	.50	.30	.75		
Slate-tile helpers (Bronx-NY-Richmond)	5.96	.40	.24	.60		
Sheet metal workers	10.45	3%+.20	3%+.20	2%		
Sprinkler fitters	8.115	7%+.50	.13%	10%	.03	
Steamfitters	8.115	7%+.50	.13%	10%	.03	
Service fitters air condition up to 10 hp.	5.05	.05	.15			
Stonemasons	7.25	4%				
Stone derrickmen & riggers	8.87	7%+.79	4%+.55	.60	.01	
Terrazzo workers	8.40	1.11	.63			
Terrazzo workers' helpers	7.43	.925	.475			
Terrazzo workers, machine operator	7.68	.925	.475			
Tile setters	7.01	.45	1.105			
Tile setters' helpers	4.85	6%	4%+.45			
Tuckpointers:						
Steam cleaners	5.35	.38	.53			
Waterproofers	5.20	.38	.53			
Sandblasters	5.90	.38	.53			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Ready-mix concrete, sand, gravel and asphalt	$5.23	.44¢	.55¢	n + o		
Euclids and turnapull opefator	5.385	.44¢	.55¢	n		
Demolition & Wrecking:						
Straight jobs	4.76	p	q	r		
Trailers	5.01	p	q	r		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.86 per hour to Annuity Fund.

b. Holidays: A through F; Election Day; Employer's Birthday.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employer contributes .4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

e. Holidays: A through F; (provided the employee worked one day in the payroll week in which the holiday falls).

f. Holidays: A through F; Washington's Birthday; Columbus Day; Election Day; Armistice Day, Lincoln's Birthday.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

h. $3.00 per day contribution for each man to a special annuity fund.

i. Employer contributes $2.35 per hour to a combined Health & Welfare Pen. and Vacation Fu

j. Employer contributes $.857 to a Security Benefit Fund.

k. Employer contributes $3.00 per day to a Security Benefit Fund.

m. Employer contributes $7.00 per day to an Annuity Fund.

n. Holidays: A through F, Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

FOOTNOTES (cont'd):

o. Vacation with pay, with a minimum vacation of three weeks per year.

p. Employer contributes $28.86 per month to Health & Welfare.

q. Employer contributes $29.13 per month to a Pension Fund.

r. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armstice Day and Election Day.

s. Holidays: B, C, D & E, Election Day, Columbus Day, Providing employee works at least 1 day in the week in which the holiday occurs.

t. Holidays: A through F.

w. Employer contributes $.66 per hour to a combined Health & Welfare and Pension Fund.

v. Employer contribution of $.47 per gour to a Vacation Fund.

w. Employers contribute $.60 per hour to a Trust Fund.

x. Employers contribute $.15 per hour to an Annuity Fund.

y. Employer contributes $.90 per hour to an Annuity Fund.

z. Paid Holidays: New Year's Day, Christmas Day provided the employee works a full half day preceding the holiday.

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N.Y. 1-PEO-1-d

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Double drum hoist	$9.79	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	9.64	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work), paint spraying, sand blasting, and all equipment used for hoisting material	9.25	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck						
100' to 149' boom	10.14	5%	5%+a	.70 +b	.02	
150' to 249' boom	10.39	5%	5%+a	.70 +b	.02	
250' to 349' boom	10.64	5%	5%+a	.70 +b	.02	
350' to 450' boom	11.14	5%	5%+a	.70 +b	.02	
Steel Erection:						
Three drum derricks	10.02	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	9.32	5%	5%+a	.70 +b	.02	
Compressors, welding machines	8.39	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.70 per hour to an annuity fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

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POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Backhoes, power shovels, steel erection	$9.67	5%	5%	.75+a		
Mine hoist & cranes	9.60	5%	5%	.75+a		
Gradalls, keystones, cranes (on land or water with digging buckets including sand rock cranes, bridge cranes, clamshells, draglines, trenching machines)	9.44	5%	5%	.75+a		
Piledriving cranes (when driving piles), piledriving rigs (when driving piles), cranes (under direction of a dockbuilder foreman), Derrick boats, tunnel shovels, concrete plants (on site only)	9.26	5%	5%	.75+a		
Cherrypicker (20 tons & over)	9.10	5%	5%	.75+a		
Tunnel mucking machines, back filling machines, cranes (including but not limited to those utilizing scale boxes and mucking buckets), paver dual drums	9.09	5%	5%	.75+a		
Elevators (manually operated), pavers, cableways, land derricks, power houses (which contain low air pressure units), asphalt spreaders, autogrades (C.M.I. and machines of similar nature)	8.90	5%	5%	.75+a		
Power houses (other than above), portable compressors (used for steel erection), compressors (3 or more in battery), driving of truck mounted compressors, double drum hoist, concrete pumps, well point pumps, tugger machines (compressed air caissons), drilled in caissons, soil solidification equipment, welding machines (used for steel erection)	8.71	5%	5%	.75+a		
Rollers (irrespective of motor power) concrete mixers	8.67	5%	5%	.75+a		
River cofferdam pumps, welding machines (1 op. 2 through 5 machines, 2 op. 6 through 10 machines except where ABC is operated by members of L-15). concrete breaking machines, portable compressors (1 or 2 in battery not over 100' apart), high pressure boilers, single						

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
drum hoist, locomotives (over 10 tons), push-button machines, stationary engineers (care, operating and maintenence of conveyor roller and plant equipment in asphalt plants)	8.35	5%	5%	.75+a		
Long boom land cranes:						
100' - 149'	9.94	5%	5%	.75+a		
150' - 249'	10.19	5%	5%	.75+a		
250' - 349'	10.44	5%	5%	.75+a		
350' - 450'	10.94	5%	5%	.75+a		
Junior engineers (when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over)	9.35	5%	5%	.75+a		
Junior engineers (when operating the following equipment and attachments): scrapers, turn-a-pulls, tugger hoists (used exclusively for handling excavated material), tractors (rubber-tired and/or track type), hysters and roustabout cranes, back scratchers, cherrypickers (all capacities, including the crew requirement for a manufacturer's minimum rated capacity of cherrypicker twenty tons and over), austin western and machines of a similar nature, basin machines, stetco silent hoist and machines of a similar nature, vac-all, meyers machines, john beam and machines of a similar nature, bulldozers, loaders (rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of less than 6 cubic yards), conveyors, motor graders, curb and gutter pavers and machines of a similar nature, ross carriers and travel lifts and machines of a similar nature	9.10	5%	5%	.75+a		
Junior engineers when operating the following pieces of minor equipment: tractors, locomotives (10 tons and under), post hole diggers, ditch witch (walk behind), motor generators, road finishing machines, mixers (16S and under with or without loading devices) rollers (5 tons and under), tugger						

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
hoists, dual purpose trucks, fork lifts, dempster dumpers, firemen (tending to): steam operated shovels, power boilers, steam operated pile drivers, steam operated derrick boats, steam operated water rigs	8.94	5%	5%	.75+a		
Apprentice engineers & oilers (all gasoline, electric, diesel or air operated), shovels, cranes, draglines, backhoes, keystones, gradalls, pavers, trenching machines, concrete pumps, gunite machines, compressors (3 or more in battery), power houses, their duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck	8.59	5%	5%	.75+a		

Footnotes:

a. New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

SUPERSEDEAS DECISION

AP-267 P. 2

STATE: North Dakota
DECISION NUMBER AP-267
Supersedes Decision Number AM-2,509 dated August 27, 1971 in 36 FR 17133
DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
CARPENTER TENDER; Chip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (per & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector, Tunnel worker	$2.70					
BITUMINOUS WORKERS (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, & paving breakers) (tamper) (dirt); (Concrete vibrator); Joint filler machine; Kettlemen (bit. or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.80					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.90					
DRILL RUNNER (incl. wagon churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	3.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Hole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.35	.25	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.20	.25	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.05	.25	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.00	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.75	.25	.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.52	.25	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.59	.25	.25			

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	4.44	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.34	.25	.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.00	.25	.25			

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TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Single axle	$3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; Off road heavy duty end dumps, 20 yds. & under; Tandem semi	3.97					
Euclid, over 20 yds.	4.60					

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NO.: AP-268

DATE: Date of Publication

Supersedes Decision Nos. AM-2,510 dated August 27, 1971 in 36 FR 17119; AM-2,511 dated August 27, 1971 in 36 FR 17122; AM-2,512 dated August 27, 1971 in 36 FR 17125; AM-2,513 dated August 27, 1971 in 36 FR 17129

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

Burleigh and Morton Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.75		.15			
CARPENTERS:						
Carpenters	5.75					
Piledrivermen	5.875					
ELECTRICIANS: From Main P. O. in Bismarck-Mandan						
Electricians 0-12 miles	7.00	.20	1%	6%	1-1/2%	
Cable splicers 0-12 miles	7.40	.20	1%	6%	1-1/2%	
Electricians over 12 miles	8.00	.20	1%	6%	1-1/2%	
Cable splicers over 12 miles	8.40	.20	1%	6$	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	3.95	.20	.10	.20		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.30	.23		.02	
LABORERS:						
Common laborers; Concrete bucket man; Brick & plaster tenders; All power tools (under the laborers' jurisdiction); Mortar mixers; Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping	4.17					
PAINTERS:						
Brush	4.90					
Spray	5.20					
PLUMBERS; steamfitters	7.40		.25			
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.17					

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. 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.

Cass and Richland Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.50	.40	.15		.30	
CARPENTERS	6.26	.	.20			
CEMENT MASONS	6.45					
ELECTRICIANS: From Main P.O. in Fargo						
0-15 miles	7.15	.20	1%	6%	1-1/2%	
15-30 miles	7.77	.20	1%	6%	1-1/2%	
Over 30 miles	8.15	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.30	.23		.02	
LABORERS:						
Laborers; Concrete Dumpman	4.40					
Jackhammer; Mortar Mixer; Plasterers & Brick Tenders; Power Tool Ops.	4.55					
PAINTERS:						
Brush; Roller; Paperhangers	6.10				.01	
Sandblasting; Structural Steel Swing Stage; Spray	6.35				.01	
PLASTERERS	7.55					
PLUMBERS; Steamfitters	7.75	.30	.15		.005	
ROOFERS & Kettlemen	4.60					
SHEET METAL WORKERS	6.65					
SOFT FLOOR LAYERS	4.85					
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.40					
TILE SETTERS	6.98	.37				

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with less than 5 years' service 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. 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.

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Grand Forks, Steele and Walsh Counties	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	5.95					
CARPENTERS:						
(Grand Forks-N1/2 Steele-Walsh Cos.)						
Carpenters	6.35				.02	
Piledrivermen	6.58				.02	
Millwrights	6.73				.02	
(S1/2 Steele County)						
Carpenters	6.26		.20			
ELECTRICIANS:						
(Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities - 0-5 miles from Grafton)	7.15	.20	1%	6%	1-1/2%	
Zone B (15-30 miles)	7.77	.20	1%	6%	1-1/2%	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	8.15	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.60	.30	.23		.02	
LABORERS:						
Laborers; Concrete dumpman	4.85					
All power tool ops. (under the laborers' jurisdiction); Brick & plaster tenders; Cutting torch for demolition	5.00					
Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	5.20					
PAINTERS:						
Brush; Paperhangers	6.10				.01	
Sandblaster; Spray; Structural Steel; Swing Stage	6.35				.01	
PLUMBERS; Steamfitter	7.75	.30	.15		.005	
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.85					

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employees with 6 months to 5 years' service, 4% basic hourly rate with over 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.

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Ward County	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.85		.15		.02	
CARPENTERS:						
Carpenters	5.65					
Piledrivermen	5.88					
Millwrights	6.13					
CEMENT MASONS	5.00					
ELECTRICIANS:						
Electricians within 12 miles radius of Minot Post Office	7.00	.20	1%	6%	1-1/2%	
Electricians over 12 miles radius beyond Minot Post Office	8.00	.20	1%	6%	1-1/2%	
Cable splicers within 12 miles radius of Minot Post Office	7.40	.20	1%	6%	1-1/2%	
Cable splicers over 12 miles radius beyond Minot Post Office	8.40	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.30	.23		.02	
LABORERS:						
Laborers; Concrete bucket dumpman	4.40					
Mortar mixers; Plaster tenders; Cutting torch for demolition; All power tool ops. (under laborers' jurisdiction)	4.50					
Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	4.65					
PAINTERS:						
Brush	4.55					
Spray; Sandblasting	4.90					
PLASTERERS	5.50					
PLUMBERS; Steamfitters	7.36		.25		.04	
SHEET METAL WORKERS	7.75					
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.40					

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. 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.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
HOIST; Greaser; Concrete mixer op.; Boom truck; Firemen; Tractor, 75 HP & under; Frontend loader, 1½ cu. yds. & under; Air compressor, 300 & under; Forklift	$4.85	.15	.25			
GROUP II						
BRAKEMEN; Any air compressed operations over 300; Well points; Frontend loader over 1½ cu. yd.; Power plant engineer; Straddle carrier; Oiler; Mechanic & welder; Batch plant drill rig; Tractor, over 75 HP.	5.85	.15	.25			
GROUP III						
CRANES, tower & overhead; Derricks; Cherry picker	6.45	.15	.25			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(Site prep., excav. & incid. paving)						
LABORERS:						
CARPENTER TENDER; Chip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (per & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector, Tunnel worker	$2.70					
BITUMINOUS WORKERS (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, & paving breakers) (tamper) (dirt); (Concrete vibrator); Joint filler machine; Kettlemen (bit. or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.80					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.90					
DRILL RUNNER (incl. wagon churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	3.00					

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(Site prep., excav. & incid. paving)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.35	.25	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.20	.25	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.05	.25	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

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(Site prep., excav. & incid.paving)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.00	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.75	.25	.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.52	.25	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.59	.25	.25			

(Site prep., excav. & incid. paving) AP-266 P. 9

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	4.44	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.34	.25	.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.00	.25	.25			

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(Site prep., excav. & incid. paving)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle	$3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; Off road heavy duty end dumps, 20 yds. & under; Tandem semi	3.97					
Euclid, over 20 yds.	4.60					

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lackawanna
DECISION NO.: AP-488 DATE: Date of Publication
Supersedes Decision No. AP-462, dated January 26, 1973, in 38 FR 2605.
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	$6.80	.30	.30	1.00		
Boilermakers	8.50	.40	.90		.01	
Bricklayers, stone masons & tile setters (Scranton)	7.575	.35	.50		.01	
Bricklayers, plasterers, stone & cement masons & tile setters (Carbondale)	6.60					
Carpenters	7.05	.335	.35		.05	
Cement masons (Scranton)	7.50	.20	.40	.125		
Electricians	6.675	.275	1%+.50		.10	
Elevator constructors	7.66	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers	5.36	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.83					
Glaziers	7.96	.25	.20			
Ironworkers, structural & ornamental	9.15	d			.05	
Ironworkers, reinforcing	8.95	d			.05	
Laborers:						
Laborers (0 miles to court house Scranton)	5.85	.48	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to 2 bags)	6.00	.48	.50			
Scaffold builders	6.25	.48	.50			
Pipelayers (concrete & clay)	6.25	.48	.50			
Plasterers tenders, Asphalt workers	6.25	.48	.50			
Laborers:						
Laborers (over 13 miles from Scranton)	6.25		.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to2 bags)	6.40	.48	.50			
Scaffold builders	6.65	.48	.50			
Pipelayers (concrete and clay)	6.65	.48	.50			
Plasterers tenders, Asphalt workers	6.65	.48	.50			
Lathers	7.05		.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	6.94	.15	1%			
Cable splicer & dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor & compressor op.	6.94	.15	1%			
Groundman-truck driver	4.92	.15	1%			
Groundman	4.73	.15	1%			
Tree trimmers:						
Tree trimmer	4.25	.10	1%			
Brush cutter	3.35	.10	1%			
Groundman-truck driver	4.04	.10	1%			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Marble setters	5.50					
Millwrights	7.63	.335	.35		.05	
Painters (Scranton):						
Brush	6.35	.35				
Spray	7.85	.35				
Steel	7.35	.35				
Painters (Carbondale):						
Brush	3.00					
Swing	3.25					
Steel	3.25					
Rollers	4.00					
Piledrivermen	7.60	.92	.25		.07	
Plasterers (Scranton)	7.65	.20	.40	.125		
Plumbers	7.74	.23	.40		.06	
Roofers:						
Roofers	6.81	.42	.27			
Helpers	6.585	.42	.27			
Kettlemen	6.81	.42	.27			
Precast slabs	7.00	.42	.27			
Sheet metal workers	6.30	.15	.10			
Soft floor layers	7.05	.335	.35		.05	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.64	.23	.50		.06	
Terazzo workers	5.50					
Terazzo workers' helpers	4.65					
Tile setters' helpers	4.55					
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.99					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.

b. Paid holidays: A through F.

c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Employer contributes $1.50 per hour to a Health and Welfare and Pension Fund.

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	Apprentice	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers (to engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tirenum (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

AP-489 P. 2

STATE: Pennsylvania

COUNTIES: Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York

DECISION NO.: AP-489

DATE: Date of Publication

Supersedes Decision No. AM-1,866, dated August 20, 1971 in 36 FR 16335.

DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-22-LAB-TD-2-3 L

HEAVY AND HIGHWAY	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Other
Carpenters/Piledrivermen	$7.09	.20	.25			
Laborers:						
Asphalt Tampers and Asphalt Rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Trackmen & Signalmen	5.23	.20	.20			
Pneumatic Tool Operators, Jackhammers, Paving Breakers, Concrete Saws, Wacker, Vibrators, Chain Saws, Steward	5.43	.20	.20			
Pipelayers	5.43	.20	.20			
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Cunite nozzle Operators	5.78	.20	.20			
Blasters	6.01	.20	.20			
Reinforcing Steel Placers, Bonding, Aligning and Securing	6.07	.20	.20			
Concrete Surfacers	6.45	.20	.20			
Free Air Tunnels and Rocks Shafts						
Outside Laborers in conjunction with tunnels and rock shafts	5.87	.20	.20			
Chuck Tenders, Muckers, Nippers, Miners' and Driller Helpers, Inside Laborers	6.16	.20	.20			
Miners, Drillers, Blasters, Pneumatic Shield Opers., Lining, Spotting and Timber Workmen	6.64	.20	.20			
Truck Drivers:						
Class I						
Helper, Stake Body Truck (Single axle), Dumpster	5.99					
Class II						
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					

PA-22-TEC- 2 C

POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournagulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tiremen (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP 1						
Pile drivers or engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes						
Draglines						
Keystones						
All types of shovels						
Derricks						
Trench shovels						
Trenching machines						
Pavers 21E and over						
Gradalls						
All front end loaders 4 cu. yds. and over						
Tandem scrapers						
Pippin type backhoes						
Boat Captains						
Batch plant with mixer						
Drill, self contained (Drillmaster Type)						
CMI Autograde						
Machines similar to above	$8.26	4.6%	6.5%		.7%	
WAGE GROUP 2						
Conveyor Loader (Euc Type)						
Scrapers and Tournapolls						
Spreaders						
High or low pressure boilers						
Concrete pumps						
Bulldozers and Tractors						
Asphalt plant engineers						
Rollers (High grade finishing)						
All loaders under 4 cu. yds.						
Mechanic - welders						
Motor Patrols						
Machines similar to above	7.44	4.6%	6.5%		.7%	
WAGE GROUP 3						
Welding Machines						
Well Points						
Compressors						
Pumps						
Heaters						
Farm Tractors						
Form Line Graders						
Fine Grade Machines						
Ditch Witch Type Trencher						
Road Finishing Machines						
Concrete Breaking Machines						

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
TireMan - (For power equipment)						
Conveyor Loaders other than Euc Type Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northampton
DECISION NO.: AP-490 DATE: Date of Publication
Supersedes Decision No. AP-463, dated January 26, 1973, in 38 FR 2607.
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	$ 7.83	.30	.30		.01	
Boilermakers	8.50	.40	.90		.01	
Bricklayers & Stonemasons - Bethlehem	7.40	.30	.35			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Bricklayers, Cement Finishers, Stone-Stonemasons & Plasterers (Bangor	5.70					
Carpenters	8.33	.22	.21			
Cement masons, Bethlehem	7.00	.30	.35			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehign, Bath, Freemansburg, Hellertown and Bethlehem	8.575	.20	1%		.01	
Remainder of County	8.63	4%	1%+.05		½ of 1% .01	
Glaziers	6.82	.25	.10			
Ironworkers, structural	7.30	.235	.665			
Ironworkers, ornamental	7.30	.235	.665			
Ironworkers, reinforcing	7.30	.235	.665			
Laborers, Building:						
Unskilled laborers	5.30	.10	.10			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	5.55	.10	.10			
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	5.60	.10	.10			
Barko Tamper Operator	5.80	.10	.10			
Lathers	7.69	.40	.25			
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.15	1%		.5%	
Cable splicer	9.00	.15	1%		.5%	
Groundman	5.40	.15	1%		.5%	
Winch truck operator	6.30	.15	1%		.5%	
Millwrights	8.83	.22	.21			
Painters (Bethlehem):						
Brush	6.50	.22	.20			
Structural Steel	7.25	.22	.20			
Spray	7.00	.22	.20			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters, Remainder of County						
Brush	6.00	.15	.15			
Structural Steel	6.75	.15	.15			
Spray	6.75	.15	.15			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers, Bethlehem	7.13	.30	.35			
Plasterers, Remainder of County	7.30	.30				
Plumbers	7.95	.30	.30	.50	.01	
Roofers, Composition, Slate & Tile	7.90	.15				
Roofers, helpers	4.18	.15				
Sheet metal workers	7.95	.30	.50			
Soft floor layers	4.45	.07	.06			
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.95	.30	.30	.50	.01	
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.99					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

PA-22-ELD-1-2 C

	Basic Hourly Rate	H&W	Pension	Vacation	Apr Tr	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trenches, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

AP-485 P. 2

STATE: Rhode Island COUNTY: Washington
DECISION NO.: AP-485 DATE: Date of Publication
Supersedes Decision No. AP-427, dated September 29, 1972, in 37 FR 20476.
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, and marine construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.70	.39	.35		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers and stone masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.02	.25	.35			
Exeter, Johnson, No. Kingstown, Narragansett (Including the Pier of Point Judith)	8.57	.25	.35		.01	
Carpenters and soft floor layers:						
North Kingston:						
Carpenters, soft floor layers & pile-drivermen	8.25	.35	.35		.01	
Millwrights	8.50	.35	.35		.01	
Remainder of County:						
Carpenters, soft floor layers & pile-drivermen	8.15	.35	.35			
Millwrights	8.40	.35	.35			
Cement masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	6.075	.15	.20			
Exeter, Narragansett, No. Kingstown, Gould	7.95	.50	.35			
Electricians:						
Westerly Township	8.35	.40	1%+.20		½%	
Remainder of County	8.35	.18	1%		.02	
Elevator constructors	6.87	.17	.185	½%+a	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a	.005	
Elevator constructors' helpers (prob.)	3.435					
Glaziers	7.74	.42	.30	d	.01	
Ironworkers: Structural, Ornamental, & Reinforcing	7.70	.45	.80+.50		.02	
Laborers, Building:						
Laborers, carpenters' tenders, cement finisher tenders, mason tenders	6.50	.40	.40		.05	
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	6.75	.40	.40		.05	
Plasterers' tenders	6.30	.40	.15		.05	
Powdermen blasters	7.25	.40	.40		.05	
Laborers, Wrecking:						
Laborers, signalmen	6.50	.40	.40		.05	
Adzman, burner, jackhammer	6.75	.40	.40		.05	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lathers	7.40	.45	.50		.01	
Lead burners	7.80	.30		c	.01	
Line Construction:						
Linemen	7.14	.20	1%	d		
Driver Groundman	5.58	.20	1%	d		
Groundmen	5.07	.20	1%	d		
Equipment operator	6.31	.20	1%	d		
Marble, Tile and Terrazzo workers: Exeter, N. Kingstown, Narragansett, (Including the Pier of Point Judith)	7.50	.25	.35			
Marble, Tile and Terrazzo helpers	7.23		.50			
Painters:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plasterers, Exeter, Narragansett, N. Kingston	8.50	.20				
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	4.775	.15	.20			
Plumbers	8.55	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile, precast concrete	8.05	.20	.25			
Helpers, Class "A"	7.00	.20	.25			
Helpers, Class "B"	6.45	.20	.25			
Sheet metal workers	8.43	.36	.35		.02	
Sprinkler fitters	9.07	.30	.50		.01	
Steamfitters	8.82	.35	.80		.03	
Truck Drivers: Building						
Two-axle; dumps	5.31	.30	.50			
Three-axle; trailers	5.39	.30	.50			
Low-bed trailers (24 tons & over), Trailers (I-beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
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. Holidays: A through F; employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

FOOTNOTES (Cont'd):

b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A through F; Bunker Hill Day, provided employee has been employed 10 working days prior to the holiday and provided employee works the scheduled work day immediately preceding and following the holiday.

d. Paid Holiday: "D".

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers, stone masons, catch basin, manhole builders	$8.02	.25	.35		.01	
Carpenters, piledrivermen, N. Kingstown	8.56	.35	.35			
Cement masons - finishers	6.85	.35				
Electricians:						
Westerly	7.45	.30	1%+.20		½%	
Remainder of County	7.70	.18	1%		.02	
Ironworkers, struc., orn., reinf.	7.70	.45	.85		.02	
Laborers:						
Laborers	6.10	.25	.25		.05	
Adzemen, asphalt rakers, barcotype jumping tampers, chain-saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree.toppers, tree trimmers wagon drill operators, wood chipper operators	6.35	.25	.25		.05	
Air track operator	6.60	.25	.25		.05	
Blasterers and powdermen	6.85	.25	.25		.05	
Pavers, rammers and curb setters	6.60	.25	.25		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Equipment operator	6.31	.20	1%	a		
Groundman	5.07	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plumbers	7.20	.35	.35			
Waterproofers	7.85	.20	.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.

FOOTNOTE:
a. Holidays: A through F, Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

AP-485 P. 6

R.I.-1-PCO-3-P

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen	7.75	.40	.40			
Oilers and apprentices	6.90	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40			
Scrapers and graders & dozer operators	7.775	.40	.40			
Pippin type backhoe operator	8.00	.40	.40			
Maintenance engineers	7.50	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.775	.40	.40			
Test boring machine operators	6.625	.40	.40			
Well point installation crews	7.60	.40	.40			
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40			
over 150 feet	9.90	.40	.40			
Operators of cat cranes with booms of 150 to 180 feet	9.65	.40	.40			
over 180 feet	9.90	.40	.40			

AF-483 P. 7

RI-1-FED-2-4- O

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds	8.65	.40	.40		.05	
Maintenance Engineers	8.35	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.15	.40	.40		.05	

AF-483 P. 8

RHODE ISLAND-1-TD-2-3. 4

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

STATE: Washington COUNTY: Statewide
DECISION No. AP-263 DATE: Date of Publication
Supersedes Decision Number AP-261 dated February 2, 1973 in 38FR3265
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						
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	8.27	.25	.30			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania & Wahkiakum Counties	7.85	.35	.60		.06	
Remaining Counties	8.15	.25	.37			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS						
Chelan, Douglas & Okanogan (Except area of Grand Coulee Dam)	7.05	.35				
Kittitas and Yakima Counties	7.00	.35	.40			
Clallam, Island, Jefferson, King, Kitsap, Snohomish & Skagit (south of the Cities of Burlington, Sedro-Woolley & Concrete) Counties	7.98	.40	.25		.02	
Grays Harbor County	6.50					
Pierce County	7.99	.35	.35		.02	
Lewis, Mason & Thurston Counties	6.70	.35	.30			
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof), & Whatcom Counties	7.75	.40	.45			
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens & Whitman Counties; Grand Coulee Dam area in Okanogan County	8.15	.30				
City of Othello in Adams County, Benton, Franklin, Grant & Walla Walla Counties	7.85	.30				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania & Wahkiakum Counties	7.40	.35	.35		.02	
CARPENTERS						
All Counties and parts of counties east of the 120th Meridian						
Carpenters	7.04	.50	.45		.025	
Piledriver; Floor Layers; Floor Finishers; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	7.19	.50	.45		.025	
Shingler (wood or composition)	7.24	.50	.45		.025	
Millwrights; Boom Men; Machine Erector; Carpenters (creosoted material)	7.29	.50	.45		.025	
Piledriver (creosoted material)	7.44	.50	.45		.025	
CARPENTERS (Cont'd)						
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Carpenters	7.00	.50	.50		.01	
Carpenters on creosoted material	7.10	.50	.50		.01	
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander; & other Stationary Power Woodworking tools	7.13	.50	.50		.01	
Millwrights and Machine Erectors; Piledrivers; Bridge, Dock & Wharf Builders	7.15	.50	.50		.01	
Acoustical Workers	7.16	.50	.50		.01	
Boommen	7.20	.50	.50		.01	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Carpenters; Form Stripper; Manhole Builders; Acoustical & Drywall Applicators	6.78	.55	.40	.35	.03	
Piledrivermen, Bridge, Dock & Wharf Builders	6.88	.55	.40	.35	.03	
Floor Layers; Floor Finishers; Stationary Power Saw Operator	6.91	.55	.40	.35	.03	
Boomman	6.98	.55	.40	.35	.03	
Millwrights; Machine Erectors	7.03	.55	.40	.35	.03	
CEMENT MASONS						
Lewis, Pierce, Thurston and the City of Auburn in King County	6.70	.40	.50		.02	
King (except the City of Auburn), portion of Kittitas County lying one mile west of the City of Easton, Clallam, Grays Harbor, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Snohomish, Whatcom & Pacific (northern part) Counties	6.79	.55	.50			
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima & Kittitas (except for western portion lying one mile west of City of Easton) Counties	6.90	.40	.40		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS (Cont'd)						
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.81	.35	.35		.01	
ELECTRICIANS						
Clallam, Jefferson, King & Kitsap Counties						
Electricians	8.045	.14	1%		.02	
Cable Splicers	8.81	.14	1%		.02	
Grays Harbor, Lewis, Mason, Pierce, Pacific & Thurston Counties						
Electricians	7.66	.35	1% + .40	4%	.04	
Cable Splicers	8.38	.35	1% + .40	4%	.04	
Island, San Juan, Skagit, Snohomish & Whatcom Counties						
Electricians	8.445	.25	1%		.01	
Cable Splicers	9.29	.25	1%		.01	
Chelan, Douglas, Grant & Okanogan Counties						
Electricians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla & Yakima Counties						
Electricians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
Clark, Klickitat and Skamania Cos.						
Electricians	7.75	.25	1% + .30		.02	
Cable Splicers	8.35	.25	1% + .30		.02	
Cowlitz and Wahkiakum Counties						
Electricians	8.13	.25	1%		.02	
Cable Splicers	8.94	.25	1%		.02	
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens & Whitman Counties						
Electricians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
ELEVATOR CONSTRUCTORS						
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties						
Elevator Constructors	7.965	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.	50%JR					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELEVATOR CONSTRUCTORS (Cont'd)						
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties						
Elevator Constructors	7.66	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Elevator Constructors	7.12	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					
IRONWORKERS						
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	7.56	.48	.65		.05	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signal Men	7.31	.48	.65	.25	.05	
GLAZIERS						
Island, King, Kitsap, Pacific (northern part), Snohomish, Clallam, Grays Harbor, Jefferson, Lewis, Mason, Pierce, San Juan, Skagit, Thurston & Whatcom Counties	6.85	.22	.35	b		
Clark, Cowlitz, Klickitat, Pacific (southern part) Skamania and Wahkiakum Counties	6.82	.26	.20	4%	.01	
LATHERS						
Clallam, Island, Jefferson, King, Kitsap, Pacific (northern part), San Juan, Skagit, Snohomish & Whatcom Counties	7.50	.40				
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	7.00	.40				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS (Cont'd)						
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	6.60	.15			.01	
MARBLE MASONS						
Adams (except city of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties	8.15	.30				
City of Othello in Adams County, Benton, Franklin, Grant and Walla Walla Counties	7.85	.30				
MARBLE MASONS						
Chelan, Douglas & Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clallam, Island, Jefferson, King, Kitsap, Snohomish & Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	7.70	.35	.25		.02	
Grays Harbor, Pierce & Pacific (northern part) Counties	7.63	.40	.30		.02	
Lewis, Mason and Thurston Counties	6.70	.35	.30			
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete & north thereof) & Whatcom Counties	7.50	.35	.25			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.40	.35	.35		.02	
MARBLE, TILE AND TERRAZZO WORKERS HELPERS						
All Counties east of the Cascade Mountain Range in Washington	6.20					
Remaining Counties west of the Cascade Mountain Range	5.15	.35				
PAINTERS						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties						
Brush	6.67	.21	.45		.01	
Drywall Taper	6.92	.21	.45		.01	
Steel; Spray; Sandblasters; Steam Cleaning; Roller over 9" or 10" handle	7.02	.21	.45		.01	
Swing Stage Work or High Rate (over 30')	7.07	.21	.45		.01	
Bitumastics; Bridge; Tanks on legs; Tower; Stacks; Steeples	7.42	.21	.45		.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (Cont'd)						
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties						
Brush	6.29	.21	.35		.01	
Spray; Steel; Roller 9" or 10" handles; Finish Drywall Taper; Steam Cleaning	6.54	.21	.35		.01	
Swing Stage over 30' high	6.64	.21	.35		.01	
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sand Blasting	6.69	.21	.35		.01	
Clallam County						
Brush	5.68					
Tapers	5.78					
Spray; Structural Steel	5.88					
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (northern part) and Whatcom Counties						
Brush; Tapers	6.92	.40	.27		.02	
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic material	7.17	.40	.27		.02	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Brush	6.45	.30	.20	.10	.015	
Spray	6.70	.30	.20	.10	.015	
High Work over 100'	6.95	.30	.20	.10	.015	
High Towers, ground to 100'	6.60	.30	.20	.10	.015	
Drywall Tapers	6.10	.32	.15	.50	.015	
PLASTERERS						
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Skagit, San Juan, Snohomish, & Pacific (northern part) Counties	7.51	.30	.25		.02	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.80	.40				
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	6.75	.40	.25		.02	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.95	.45	.45		.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS (Cont'd)						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	7.50	.40				
PLASTERERS' TENDERS						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	5.25	.25	.25		.02	
PLUMBERS						
Statewide (except Clallam, Clark, Jefferson & King Cos., and Chelan, Douglas and Okanogan Cos. west of the 119°, 30 Min., and Kittitas County north of the 47°, 15 Min. Latitude)	7.52	.26	.55	.47	.06	
Clark County	7.36	.59	.66		.07	
Clallam, Jefferson & King Counties and Chelan, Douglas and Okanogan Counties west of the 119°, 30 min., and Kittitas County north of the 47°, 15 min. latitude	7.59	.47	.85	.60	.06	
ROOFERS						
Kittitas, Franklin, Columbia, Klickitat, Garfield and Yakima Cos.						
Roofers; Kettlemen	6.15	.20				
Irritable Bituminous Material; Spray (hot)	6.80	.20				
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens & Whitman Counties	6.20	.30	.15	.50		
Asotin and Garfield Counties	6.65					
Cowlitz, Northern part of Pacific, and Wahkiakum Counties						
Roofers; Kettlemen; Waterproofers	6.68	.20	.20			
Slate and Tile	6.93	.20	.20			
Clark, Southern part of Pacific and Skamania Counties						
Roofers	6.95	.45	.46			
Handling of irritating material (coal tar or expoxy)	7.45	.45	.46			
In confined areas and handling of irritating materials (coal tar or expoxy)	7.70	.45	.46			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS (Cont'd)						
Callam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties						
Roofers; Kettlemen; Waterproofers	$ 6.95	.20	.20			
SHEET METAL WORKERS						
King County	6.97	.22	.30		.01	
Island and Snohomish Counties	6.57	.22	.30		.01	
Benton, Franklin, Kittitas, Klickitat and Yakima Counties	6.50	.22	.30			
Adams, Asotin, Chelan, Douglas, Grant, Ferry, Lincoln, Pend Oreille, Okanogan, Spokane, Stevens & Whitman Counties	6.50	.22	.30			
Walla Walla, Columbia & Garfield Counties	6.50	.22	.30			
Cowlitz, Grays Harbor, Lewis, Pacific (northern part), Pierce, Thurston & Wahkiakum Counties	6.57	.22	.30		.01	
San Juan, Skagit and Whatcom Counties	6.57	.22	.30		.02	
Clark, Pacific (southern part) & Skamania Counties	6.05	.20	.24	.24	.02	
Clallam, Jefferson, Kitsap & Mason Counties	6.57	.22	.30		.01	
SOFT FLOOR LAYERS						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	6.42	.21	.25			
Gray Harbor, Mason, Pacific (northern part), Pierce and Thurston Counties	7.39	.36	.45		.03	
King, Kitsap, &Snohomish Counties	7.65	.36	.45		.05	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit and Whatcom Counties	7.03	.30	.45			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.40	.30	.30	c	.05	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.42	.16	.25	d		
SPRINKLER FITTERS						
Statewide (except Island, King, Kitsap, Pierce, Skagit, Snohomish and Thurston Counties)	7.95	.25	.40		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
SPRINKLER FITTERS (Cont'd)		H & W	Pensions	Vacation	App. Tr.	Others
Island, King, Kitsap, Pierce, Skagit, Snohomish & Thurston Counties	$ 8.75	.30	.50		.06	
TERRAZZO WORKERS						
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the cities of Burlington, Sedro-Woolley and Concrete) & Snohomish Counties	7.53	.40	.35			
San Juan, Skagit (including cities of Burlington, Sedro-Woolley, Concrete and north thereof) & Whatcom Counties	7.50	.35	.25			
Lewis, Mason & Thurston Counties	6.70	.35	.30			
Grays Harbor, Pierce & Pacific (northern part) Counties	7.63	.40	.30		.02	
Adams (except city of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman & Grand Coulee Dam Area	8.31	.30				
City of Othello in Adams County, Benton, Franklin, Grant & Walla Walla Counties	7.18	.30				
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.55	.25	.24			
TILE SETTERS						
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the cities of Burlington, Sedro-Woolley and Concrete) & Snohomish Counties	7.60	.40	.35		.04	
San Juan, Skagit (including cities of Burlington, Sedro-Woolley, Concrete and north thereof) & Whatcom Counties	7.50	.35	.25			
Lewis, Mason & Thurston Counties	6.70	.35	.30			
Grays Harbor, Pierce & Pacific (northern part) Counties	7.63	.40	.30		.02	
Adams (except city of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman & Grand Coulee Dam Area	8.21	.30				

	Basic Hourly Rates	Fringe Benefits Payments				
TILE SETTERS (Cont'd)		H & W	Pensions	Vacation	App. Tr.	Others
City of Othello in Adams County, Benton, Franklin, Grant & Walla Walla Counties	$ 7.18	.30				
Kittitas and Yakima Counties	6.75	.25	.25			
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.55	.25	.24			

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven paid Holidays. A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.
d. All employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive one week's vacation with full pay; pro-rata vacation shall accrue in accordance with the ratio of hours worked in one year of employment divided by 1800 hours multiplied by the one week's full pay.

East of the 120th Meridian

AP-263 P. 11

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LEVERMAN DIPPER:						
(a) 5 yards and under	$8.29	.45	.45			
(b) Over 5 yards	8.84	.45	.45			
LEVERMAN, HYDRAULIC	7.90	.45	.45			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	7.58	.45	.45			
ENGINEER WELDER; CRANEMAN	7.53	.45	.45			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.48	.45	.45			
FIREMAN; OILER	7.14	.45	.45			
ASSISTANT MATE (Deckhand)	7.04	.45	.45			

West of the 120th Meridian and Pacific County(Northern Part)

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER LEVERMAN:						
(a) Over 5 yards	$8.64	.45	.65			
(b) 5 yards and under	8.09	.45	.65			
HYDRAULIC LEVERMAN	7.70	.45	.65			
ASSISTANT ENGINEER (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	7.38	.45	.65			
ENGINEER WELDER; CRANEMAN	7.33	.45	.65			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.28	.45	.65			
FIREMAN; OILER	6.94	.45	.65			
ASSISTANT MATE (Deckhand)	6.84	.45	.65			

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3-WAS-PEO-(DREDGING)-e (1-1)

Clark, Cowlitz, Klickitat, southern half of Pacific, Skamania and Wahkiakum Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DREDGING						
Dipper Leverman:						
(a) 5 yards and under	$7.89	.45	.60	.25		
(b) Over 5 yards	8.44	.45	.60	.25		
Leverman, Hydraulic	7.50	.45	.60	.25		
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25		
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.13	.45	.60	.25		
Engineer Welder; Craneman	7.08	.45	.60	.25		
Fireman; Oiler	6.74	.45	.60	.25		
Assistant Mate (Deckhand)	6.64	.45	.60	.25		

LINE CONSTRUCTION - WASHINGTON - e (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cable Splicers Leadman Pole Sprayer	$8.60	.25	1%		½%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.76	.25	1%		½%	
Tree Trimmer	7.00	.25	1%		½%	
Line Equipment Man	6.67	.25	1%		½%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.82	.25	1%		½%	
Groundman; Tree Trimmer Helper	5.49	.25	1%		½%	
Hole Digger	5.25	.25	1%		½%	

AP-263 P. 13
1-WAS-LAB-1-2-3 (1-2)

All Counties and parts of Counties East of the 120th Meridian

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper, Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller; Window cleaner; Brush Hog Feeder	$5.50	.35	.55		.02	
Group II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Wallpoint man; Wheelbarrow, power driven	5.65	.35	.55		.02	
Group III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher; shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.75	.35	.55		.02	
Group IV Chain Saw (faller); Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger and laser beam but not incl. laying corrugated metal culvert pipe)	5.80	.35	.55		.02	
Group V Concrete stack, Hod carriers; Mortar mixer; Vibrator, 4 inches and over	5.85	.35	.55		.02	

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1- WAS-Lab-1-2-3 (2-2)

Laborers (cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI Caisson worker, free air; High Scaler	$5.90	.35	.55		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., Air Track or similar mounting; Nozzleman	5.95	.35	.55		.02	
GROUP VIII Air track drills with dual masts and drills; Powderman	6.15	.35	.55		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	5.55	.35	.55		.02	
Class B: Brakeman, dumpman	5.60	.35	.55		.02	
Class C: Miner & nozzleman for concrete and laser beam op. on tunnels	6.00	.35	.55		.02	
Class D: Raise & shaft miner and laser beam op. on raises and shafts	6.05	.35	.55		.02	
GROUP X Sand Hogs (Under compressed air conditions): 1 lb thru 14 lbs - 6 hrs. work	56.40	.35	.55		.02	
Over 14 lbs thru 18 lbs - 6 hrs. work	59.10	.35	.55		.02	
Over 18 lbs thru 22 lbs - 4 hrs. work	59.10	.35	.55		.02	
Over 18 lbs thru 22 lbs - 6 hrs. work	79.35	.35	.55		.02	
Over 22 lbs thru 26 lbs - 4 hrs. work	63.30	.35	.55		.02	
Over 26 lbs thru 32 lbs - 4 hrs. work	65.70	.35	.55		.02	
Over 32 lbs thru 38 lbs - 3 hrs. work	68.40	.35	.55		.02	
Over 38 lbs thru 44 lbs - 2 hrs. work	69.70	.35	.55		.02	
Outside lock & guage tender(per shift)	46.80	.35	.55		.02	

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4-MAS-LAB 1-2-j (1-2)

Chelan, Douglas, Kittitas, Okanogan and Yakima Cos. West of the 120th Meridian

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
General Labor; Carpenter Tender; Form Stripper; Rip Rap Man; Track Laborer; Stake Hopper; Choke Setter; Fence Laborer	$4.65	.30	.30		.02	
Air Track & Wagon Drill Helper; Crusher Feeder; Dump & Stock Pile Man; Powder Man Helper; Sloper, Over 20 feet	4.75	.30	.30		.02	
Power Buggy; Drill Chipper; Grinder and similar light power tools; Faller and bucker (Hand); Grout Man (Power)	4.80	.30	.30		.02	
Asphalt Raker & Spreader; Cement Handler; Sack of Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Tamper Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Nozzleman (Air & Water)	4.85	.30	.30		.02	
Formsetter; Steel Forms; Grade Checker; Swinging Stage or Bosun Chair over water or over 25 feet in height	4.90	.30	.30		.02	
Air Track & Wagon Drill Operator; Chain Saw Operator; Gunite Man; High Scaler; Pipe Layer & Caulker; Pipe Wrapper; Sand Blaster; Timber Man; Open Ditch; Mortar Man & Hod Carrier	4.95	.30	.30		.02	
Faller & Bucker (Chain Saw); Powder Man	5.00	.30	.30		.02	
Caisson Workers; Free Air	5.05	.30	.30		.02	
TUNNEL SHAFTS, FREE AIR						
Topman & Bull Gang	4.75	.30	.30		.02	
Chuck Tender; Mucker & Laborer; Nipper; Brakeman	4.80	.30	.30		.02	
Powder Man Helper	4.90	.30	.30		.02	
Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader	5.00	.30	.30		.02	
Miner; Shaft & Raise	5.05	.30	.30		.02	
Powder Man	5.15	.30	.30		.02	

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2-MAS-LAB-1-2-3-c (1-2)

Remaining Counties West of the 120th Meridian including northern part of Pacific County.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driernan; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$5.10	.45	.50		.03	
GROUP II Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.20	.45	.50		.03	
GROUP III Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.25	.45	.50		.03	
GROUP IV Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Rail-road Spike Puller; Rakers - Asphalt	5.30	.45	.50		.03	
GROUP V Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite shot-crete)	5.35	.45	.50		.03	
GROUP VI Faller and bucker: Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.40	.45	.50		.03	
GROUP VII Cement Dumper - Paving; Powderman	5.45	.45	.50		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (Cont'd)						
GROUP VIII						
Tunnel Work						
Topman and Bull Gang	$5.15	.45	.50		.03	
GROUP IX						
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.20	.45	.50		.03	
GROUP X						
Powderman' Helper	5.30	.45	.50		.03	
GROUP XI						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	5.20	.45	.50		.03	
GROUP XII						
Miner, Shaft and raise	5.25	.45	.50		.03	
GROUP XIII						
Powderman	5.35	.45	.50		.03	
GROUP XIV						
1 lb. thru 14 lbs. (6 hrs.)	50.40	.45	.50		.03	
Over 14 lbs. thru 18 lbs. (6 hrs), over 18 lbs. thru 22 lbs. (4 hrs.)	53.10	.45	.50		.03	
Over 18 lbs. thru 22 lbs. (6 hrs.)	73.35	.45	.50		.03	
Over 22 lbs. thru 26 lbs. (4 hrs)	57.30	.45	.50		.03	
Over 26 lbs. thru 32 lbs. (4 hrs.)	59.70	.45	.50		.03	
Over 32 lbs. thru 38 lbs. (3 hrs.)	62.40	.45	.50		.03	
Over 38 lbs. thru 44 lbs. (2 hrs.)	63.70	.45	.50		.03	
Outside lock and gauge tender (per shift)	44.40	.45	.50		.03	

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania and Wahkiakum Counties

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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; Signalmen; 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)	$5.25	.40	.45	.20	.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;						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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 timbermen; Timber buckers & Fallers, Brush cutters (power saw); Tunnel-muckers, Brakemen, Concrete crew, Bull gang (underground)	5.40	.40	.45	.20	.02	
GROUP III						
Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill oprs., 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 usual 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; Welder	5.55	.40	.45	.20	.02	
GROUP IV						
Tunnel miners; Tunnel powderman	5.70	.40	.45	.20	.02	

All Counties & parts of Counties East of the 120th Meridian

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$ 6.45	.50	.55		.025	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gin trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross &						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP II (CONT'D)						
similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	6.75	.50	.55		.025	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Koral or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman & similar); Drills Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds., R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine, Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III (CONT'D)						
Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	$ 7.00	.50	.55		.025	
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	7.10	.50	.55		.025	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.	7.15	.50	.55		.025	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (CONT'D)						
Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	7.30	.50	.55		.025	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	7.55	.50	.55		.025	
Underground Work - Add 10% to the Classification. Classification. (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All Crane Booms: 130' to 200' - $.15/hr. Additional to Classification; Over 200' - - $.30/hr. Additional to Classification;						
Yo-Yo Dozer: 10% Additional						

All Counties & parts of Counties West of the 120th Meridian except Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, & Wahkiakum Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Mechanics' Helpers (heavy duty)	$6.92	.45	.65		.04	
GROUP II						
Brakemen; Oiler (grader checkers & stakeman)	7.02	.45	.65		.04	
GROUP III						
Fireman; Fireman (drier & hot plant)	7.13	.45	.65		.04	
GROUP IV						
Tractor (farmall type, 60 h.p. & under); Compressor (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	7.18	.45	.65		.04	
GROUP V						
Oiler Driver on Truck Cranes (over 45 tons up to 100)	7.20	.45	.65		.04	
GROUP VI						
Oil Distributors; Blower Distriburors and mulch seeding operator	7.25	.45	.65		.04	
GROUP VII						
Locomotives (dinkey air, diesel, electric, gas, steam)	7.26	.45	.65		.04	
GROUP VIII						
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	7.30	.45	.65		.04	
GROUP IX						
Tractors (farmall type, over 60 h.p.); Pump (water)	7.32	.45	.65		.04	
GROUP X						
Post Hole Diggers (mechanical)	7.45	.45	.65		.04	

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2-WAS-PED-1-2-3-d (2-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI						
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (consrete); Loaders (fork lift or lumber stacker (on construction job site), Drott travel lift); Scrapers (carry-all type, single); Roller, tampers and vibrator, twin engine	$7.48	.45	.65		.04	
GROUP XII						
Mixer (asphalt up to 4 tons per batch) Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2½ yds.); Mixers (concrete & batch 200 yd.s. per hour & under); Pumps, Fuller Kenyon; Pumps, concrete and Pump crete; Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock), washing and screening plants; Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	7.51	.45	.65		.04	
GROUP XIII						
Locomotive, Mechanics or Welder (heavy duty)	7.56	.45	.65		.04	
GROUP XIV						
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	7.58	.45	.65		.04	
GROUP XV						
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressor (steel erection incl. sandblasting, painting or same); Loaders (fork lifts w/tower)	7.60	.45	.65		.04	

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2-WAS-PED-1-2-3-d (3-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XVI						
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engine); Paving; Scraper (carryall type, double)	$7.63	.45	.65		.04	
GROUP XVII						
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	7.66	.45	.65		.04	
GROUP XVIII						
Bulldozer (D-9 or similar)	7.70	.45	.65		.04	
GROUP XIX						
Trenching Machines (16 inches and over)	7.77	.45	.65		.04	
GROUP XX						
Bump Cutter (Concut, Christianson or similar types)	7.78	.45	.65		.04	
GROUP XXI						
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant, batch & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual); Mixer, asphalt (4 tons & over per batch)	7.83	.45	.65		.04	
GROUP XXII						
Motor Patrol Graders (over Model 14 & similar); Derricks all-Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill and/or shield); Subgrader (Gurries, CMI and similar); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L.B. Foster puller or similar paving breaker);						

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXII (cont'd)						
Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing and scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Cranes, Chipper, wood w with boom attachment; Mixer, (mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); loaders (overhead & front end, 2½ yds. up to 4 yds.)	$7.88	.45	.65		.04	
GROUP XXIV						
Loaders (overhead & front end, 4 yds. up to 8 yds.)	8.10	.45	.65		.04	
GROUP XXV						
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	8.14	.45	.65		.04	
GROUP XXVI						
Tournapulls, Caterpillar, Euclid Scraper and similar type (over 40 yds. through 55 yds.)	8.19	.45	.65		.04	
GROUP XXVII						
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableway (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.27	.45	.65		.04	
GROUP XXVIII						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	8.49	.45	.65		.04	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXIX						
Loaders (Overhead & front end, 8 yds. and over)	$8.69	.45	.65		.04	
GROUP XXX						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	8.80	.45	.65		.04	
GROUP XXXI						
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	8.82	.45	.65		.04	
GROUP XXXII						
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	9.10	.45	.65		.04	

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3-WAS-PEO 1-2-3 d (1-6)

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania & Wahkiakum Counties

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)	$6.35	.45	.60	.25		
GROUP II						
BLASE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or 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	6.49	.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	6.59	.45	.60	.25		

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3-WAS-PEO 1-2-3 d (2-6)

	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 or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.75	.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	6.77	.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	6.85	.45	.60	.25		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
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 3/4 cu. yds. & 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	$6.91	.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	7.01	.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 Treading 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;						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor, Rubber-tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	$7.07	.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)	7.13	.45	.60	.25		
GROUP XI MIXER MOBILE; Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-all, under 1 cu. yd.; Mucking Machine	7.15	.45	.60	.25		
GROUP XII BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drums; 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-tried Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.21	.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 Stiffleg, 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.;						

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3-WAS-PEO 1-2-3d (5-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Floating Crane (Derrick Barge); less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds.; Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Gradeall, 1 cu. yd. and over	$7.29	.45	.60	.25		
GROUP XIV RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.45	.45	.60	.25		
GROUP XV ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.61	.45	.60	.25		
GROUP XVI AUTO GRADER (i.e. CMB) 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; 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 Scraper, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	7.79	.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	7.93	.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	$8.11	.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	8.25	.45	.60	.25		

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3-WAS-PEO 1-2-3 (6-6)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTHERS

All Counties and parts of Counties East of the 120th Meridian

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I FLAT BED TRUCK, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	$6.70	.62	.50			
Group II BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Fireman No. 1; Warehouseman	6.75	.62	.50			
Group III BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side end and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.80	.62	.50			
Group IV AUTO CRANE - 2000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.) Oil Distributor Driver (road, bootman; leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.90	.62	.50			

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group V LOW BOY (under 50 tons); Service Greaser; Fireman No. 2	$6.95	.62	.50			
Group VI A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,001 - 8,000 gals.)	7.00	.62	.50			
Group VII DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	7.05	.62	.50			
Group VIII LOW BOY (over 50 tons); Water Tank Truck (8,001 - 10,000 gals.); 10¢ for each add. 2,000 gals.	7.10	.62	.50			
Group IX TRANSIT MIXERS & TRUCKS Hauling Concrete, (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	7.20	.62	.50			
Group X TOURNAROCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater	7.25	.62	.50			
Group XI TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	7.35	.62	.50			
Group XII TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds. to 50 yds.)	7.50	.62	.50			
Group XIII TRUCKS, side, end and bottom dumps, (over 50 yds. to 100 yds.)	7.65	.62	.50			
Group XIV TRUCKS, side, end and bottom dump (over 100 yds.)	7.80	.62	.50			

All Counties and parts of Counties West of the 120th Meridian except Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, and Wahkiakum Counties

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2-WAS-TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks, up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

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2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, and Wahkiakum Counties

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Battery rebuilders; 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, checkers & receivers); Water wagons (rated capacity); up to 1600 gals	$5.93	.35	.40	.15		
"A" frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers	5.98	.35	.40	.15		
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 & wet or dry mix trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity); 1600 to 3000 gals.	6.03	.35	.40	.15		
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.	6.08	.35	.40	.15		
Dumpsters or similar equipment, all sizes; Transit mix & wet or dry mix trucks, over 5 cu. yds. & incl. 7 cu. yds.	6.13	.35	.40	.15		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & wet or dry mix trucks; over 7 cu. yds. & incl. 9 cu. yds.; Truck Mechanic--welder--body repairman; Water wagons (rated capacity) 5000 to 7000 gals.	$6.23	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains of 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.	6.33	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water Wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.43	.35	.40	.15		
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix & wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.53	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	6.70	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	6.80	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: 70 cu. yds. and incl. 80 cu. yds.	6.90	.35	.40	.15		

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3-WAS-TD c 1-2-3 (3-3)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	$7.00	.35	.40	.15		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.10	.35	.40	.15		
Drivers and Helpers (handling sacked cement add $.15 per hour).						
Winch truck - takes classification of truck on which winch is mounted						

SUPERSEDEAS DECISION

STATE: Washington, D. C.
DECISION NO.: AP-491 DATE: Date of Publication
Supersedes Decision No. AP-442, dated November 17, 1972, in 37 FR 24512.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories); Highway Construction, Sewer and Water Lines.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.65	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement Masons:						
Cement Masons	7.75	.255	.20		.05	
Grinding Machine	8.00	.255	.20		.05	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.58	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers	6.01	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers (Prob).	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.00	.45	.35		.01	
Ornamental & chain link fence	8.00	.45	.35		.01	
Reinforcing	7.85	.35	.25		.03	
Laborers:						
Common laborers, landscapers	6.07	.28	.25		.05	
Acetylene burners used on wrecking	6.57	.28	.25		.05	
Air tool op., scaffold builders, paving breakers, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	6.22	.28	.25		.05	
Pipelayers	6.22	.28	.25		.05	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	7.245	.28	.25		.05	
Powersaw, well points	6.32	.28	.25		.05	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		½ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		½ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		½ of 1%	
Groundmen (over 2 years)	6.68	.20	1%		½ of 1%	
Marble Setters	8.60	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	7.89	.25	.29		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.46	.41	.18		.03	
Steel, sandblasting, swing stage, power brushing	7.79	.41	.18		.03	
Pildrivermen	7.905	.25	.29		.07	
Plasterers	8.015	.45	.25		.06	

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BUILDING CONSTRUCTION, (Continued)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Plumbers	$8.93	.38	.25		.10	
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Sheet metal workers	8.30	.60	.66		.06	
Soft floor layers	7.77	.25	.29		.07	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.79	.40	.40		.07	
Stone masons	8.60	.35	.25			
Terrazzo & mosaic workers	8.31	.40	.30			
Terrazzo workers' helpers	7.10	e	.20			
Tile setters	8.31	.40	.30			
Tile setters' helpers	7.10	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, water sprinkler, tunnel work ground	4.25	.22	f	g		
Mechanics,	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION, continued

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 dyas and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

SEWER AND WATER LINES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Bricklayers	$8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement masons	7.75	.225	.20		.05	
Ironworkers, reinforcing	7.85	.35	.25		.03	
Piledrivermen	7.905	.25	.29		.07	
Plumbers	8.93	.38	.25		.10	
Power Equipment Operators:						
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines of 1 c.y. or above	6.54	.25	.25		.05	
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y. and boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plant, concrete pumps	6.29	.25	.25		.05	
Trenching machines (above 8'3")	6.09	.25	.25		.05	
Backhoes (hydraulic, under ½ c.y.)	6.17	.25	.25		.05	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	5.99	.25	.25		.05	
Air Compressors, tunnel	5.96	.25	.25		.05	
Front end loaders (high lift)	5.94	.25	.25		.05	
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men	5.84	.25	.25		.05	
Mechanics	5.82	.25	.25		.05	
Bulldozers, hydraulic tampers	5.74	.25	.25		.05	
Roller	5.64	.25	.25		.05	
Air compressors, pumps welding machines, well points	5.565	.25	.25		.05	
Apprentice Engineers:						
Firemen	5.10	.25	.25		.05	
Truck crane oilers	4.95	.25	.25		.05	
Oilers	4.90	.25	.25		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.76	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.345	.28	.25		.05	
Chuck tender, powdermen in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.645	.28	.25		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-trac, shotcrete nozzleman & potman	7.295	.28	.25		.05	
Mucking machine operator (air)	7.545	.28	.25		.05	

COMPRESSED AIR: (per day)

Guage Pressure Pounds	Work Period				
From 1 to 14	7 hours	66.00	a	b	d
" 14 to 18	6 hours	69.00	a	b	d
" 18 to 22	5½ hours	72.00	a	b	d
" 22 to 26	5 hours	75.00	a	b	d
" 26 to 32	4 hours	78.00	a	b	d
" 32 to 38	3 hours	81.00	a	b	d
" 38 to 44	2½ hours	84.00	a	b	d

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

d. Employer contributes .40 per day to Apprentice Training.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asphalt shoveler	$4.15	.22	.15			
Asphalt raker	4.35	.22	.15			
Asphalt tamper	4.25	.22	.15			
Bricklayers	8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement masons	4.60	.22	.15			
Concrete saw operator	4.35	.22	.15			
Concrete shoveler	4.25	.22	.15			
Form setter	4.60	.22	.15			
Laborers:						
Laborers	4.10	.22	.15			
Jackhammer	4.30	.22	.15			
Hand burner operator	4.25	.22	.15			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	4.35	.22	.15			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanical welder, rubber tired loader (over 1-½ cu. yds.)	4.55	.22	.15			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	4.60	.22	.15			
Crane operator, concrete paving op.	4.75	.22	.15			
Shovel operator	4.85	.22	.15			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	5.50	.22	.15			
G-1000 Gradall operator (over 1-½ cu.yds.)	5.75	.22	.15			
Power broom, oiler	4.25	.22	.15			
Sand setter	4.60	.22	.15			
Truck Drivers:						
Truck drivers (standard)	4.10	.22	.15			
Tandem	4.22	.22	.15			
Tractor trailer (capable of moving heavy equipment)	4.60	.22	.15			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.315	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.065	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.015	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	7.915	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.065	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.915	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	7.665	.35	.35		.10	
Air compressors (on steel)	7.735	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.485	.35	.35		.10	
Boilers (skeleton),-trenching machines, tug boats, well drilling machines	7.655	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity, blade graders, bulldozers, motor graders	7.465	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.265	.35	.35		.10	
Apprentice engineers:						
Firemen	6.605	.35	.35		.10	
Truck crane oilers	6.485	.35	.35		.10	
Oilers	6.435	.35	.35		.10	

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