

# Register Federal

August 17, 1973—Pages 22207-22358

FRIDAY, AUGUST 17, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 159

Pages 22207-22358

## PART I

(Part II begins on page 22297)

(Part III begins on page 22301)



## HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

LEIF ERIKSON DAY, 1973—Presidential proclamation.....	22213
OIL IMPORTS—Interior Department proposes allocations of crude oil and unfinished oils of petrochemical producers based upon calculated inputs; comments by 9-11-73.....	22237
WATER POLLUTION—EPA issues effluent limitations for publicly owned treatment works; effective 8-17-73.....	22297
RADIATION PROTECTION—AEC regulations on reports to employees and other individuals; effective 9-17-73.....	22220
ENVIRONMENTAL PROTECTION—EPA announces availability of impact statements.....	22252
FOOD STANDARDS—FDA issues temporary permit to market test breads deviating from standards.....	22247
FOOD ADDITIVES—FDA proposes name change and labeling requirements for modified cottonseed product; comments by 10-16-73.....	22241
NEW ANIMAL DRUGS—FDA recodifies and amends regulations concerning uses of tylosin in animal feed; effective 8-17-73.....	22224
MOTOR CARRIER SAFETY—DOT announces public hearings on proposed exemptions of lightweight vehicles from accident reporting requirements; hearings 9-18, 10-10 and 11-1-73.....	22244
FREEDOM OF INFORMATION—HEW amends regulations on availability of information to public; effective 8-17-73.....	22230
MEDICAID—HEW proposes conditions for State contracts with management consulting services; comments by 9-17-73.....	22242
NUCLEAR REACTORS—AEC establishes minimum requirements for operator requalification programs; effective 9-17-73.....	22221
TOBACCO—USDA proposal on termination of inactive designated auction markets; comments by 9-17-73.....	22239
PUBLIC LANDS—Interior Department modifies regulations for simultaneous oil and gas leasing procedures; effective 9-17-73.....	22230

(Continued inside)

# REMINDERS

## Rules Going Into Effect Today

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

page no.  
and date

**FEDERAL HOME LOAN BANK BOARD—**  
Excepted acquisitions of insured institutions..... 19112; 7-17-73

**federal register**

Phone 523-5240

Area Code 202



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

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

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

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



# HIGHLIGHTS—Continued

**NATIONAL RICE ADVISORY COMMITTEE—USDA** notice of reestablishment.....

22246

## ANTIDUMPING—

Tariff Commission notice of investigation and hearing on polychloroprene rubber from Japan; hearing 9-20-73.....

22258

Tariff Commission notices of extension of time for filing written views on certain analog-to-digital meters and electronic audio equipment (2 documents).....

22257, 22259

Tariff Commission notice of determination concerning ceramic glazed wall tile.....

22257

## MEETINGS—

DOD: Advanced Logistics System Project Advisory Committee, 9-5 to 9-6-73.....

22245

Defense Intelligence Agency Scientific Advisory Committee, 8-20, 9-18 and 9-19-73.....

22245

NASA: Medical Isotopes Advisory Subcommittee, 9-7-73.....

22255

Commerce Department: Computer Systems Technical Advisory Committee, 8-30-73.....

22246

**CANCELLED MEETING—HEW:** National Advisory Council on Extension and Continuing Education, 8-20 to 8-21-73.....

22247

# Contents

## THE PRESIDENT

### Proclamation

Leif Erikson Day, 1973..... 22213

## EXECUTIVE AGENCIES

### AGRICULTURAL MARKETING SERVICE

#### Rules and Regulations

Expenses and rate of assessment:

Dried prunes produced in California.....

22216

Irish potatoes grown in Colorado.....

22215

Lemons grown in California and Arizona; limitation of handling.....

22215

Milk in the central Illinois marketing area, order suspending certain provisions.....

22216

Proposed Rules

Onions grown in South Texas; recommended decision and opportunity to file exceptions.....

22240

Papayas grown in Hawaii, handling regulation.....

22240

Tobacco; designation of auction markets; terminations.....

22239

#### Proposed Rules

Onions grown in South Texas; recommended decision and opportunity to file exceptions.....

22240

Papayas grown in Hawaii, handling regulation.....

22240

Tobacco; designation of auction markets; terminations.....

22239

Notices

National Rice Advisory Committee; reestablishment.....

22246

### AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Forest Service.

### AIR FORCE DEPARTMENT

#### Notices

Advanced Logistics System Project Advisory Committee; meeting.....

22245

### ATOMIC ENERGY COMMISSION

#### Rules and Regulations

Notices, instructions and reports to workers; inspections, etc. (3 documents).....

22217, 22220

Operators' licenses; requalification requirements for operating personnel of production and utilization facilities.....

22221

## Notices

Commonwealth Edison Co.:

Consideration of conversion of provisional operating license to full-term operating license.....

22247

Opportunity for hearing.....

22248

Metropolitan Edison Co. et al.; prehearing conference.....

22251

Millstone Point Co.; receipt of Attorney General's Advice and time for filing of petitions to intervene on antitrust matters.....

22249

Tennessee Valley Authority; receipt of application for construction permits and facility licenses; availability of draft environmental statement; time for submission of views on antitrust matter.....

22249

Virginia Electric and Power Co.; assignment of members of Atomic Safety and Licensing Appeal Board.....

22251

### CIVIL AERONAUTICS BOARD

#### Notices

International Air Transport Association; order relating to fares over the South Pacific.....

22252

Wardair Canada Ltd.; notice of hearing.....

22252

### CIVIL SERVICE COMMISSION

#### Rules and Regulations

Excepted service; General Services Administration.....

22215

### COMMERCE DEPARTMENT

See Domestic and International Business Administration.

### COMMITTEE FOR PURCHASE OF PRODUCT AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

#### Notices

Procurement list 1973; proposed additions.....

22252

### DEFENSE DEPARTMENT

See also Air Force Department.

## Notices

Defense Intelligence Agency Scientific Advisory Committee; closed meeting.....

22245

### DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

#### Notices

Computer Systems Technical Advisory Committee; meeting.....

22246

### EDUCATION OFFICE

#### Notices

National Advisory Council on Extension and Continuing Education; cancellation of meeting.....

22247

### EMPLOYMENT STANDARDS ADMINISTRATION

#### Notices

Minimum wages for Federal and federally assisted construction; general wage determination decisions; modifications and supersedeas decisions.....

22301

### ENVIRONMENTAL PROTECTION AGENCY

#### Rules and Regulations

Water programs, secondary treatment information.....

22297

#### Notices

Benomyl; reextension of temporary tolerance; correction.....

22254

Ciba-Geigy Corp.; filing of petition regarding pesticide chemical.....

22252

Environmental impact statements; availability of EPA Comments.....

22252

### FEDERAL AVIATION ADMINISTRATION

#### Rules and Regulations

Airworthiness directives; Bell Model 204B and 205A-1 helicopters.....

22223

Designation of Federal airways, area low routes, controlled airspace, and reporting points; alteration of transition area.....

22224

(Continued on next page)

22209



**Proposed Rules**

Additional control area; designation; correction.....	22243
Control zones and transition area; alteration (2 documents).....	22243
Minneapolis, Minn.; terminal control area.....	22243

**FEDERAL COMMUNICATIONS COMMISSION****Rules and Regulations**

Aviation services, use of land mobile frequencies on aircraft.....	22226
Forfeiture checks.....	22225

**FEDERAL HIGHWAY ADMINISTRATION****Proposed Rules**

Lightweight vehicle exemption; public hearings.....	22244
---	-------

**FEDERAL INSURANCE ADMINISTRATION****Rules and Regulations**

Areas eligible for the sale of insurance; status of participating communities.....	22226
--	-------

**FEDERAL MARITIME COMMISSION****Proposed Rules**

Common carriers by water in the domestic offshore and foreign commerce of the United States; revised procedure.....	22244
---	-------

**Notices**

Pacific Islands Transport Line; proposed general rate increases; correction.....	22254
Polynesia Line, Ltd.; proposed general rate increases; correction.....	22255
Revocation of independent ocean freight forwarder licenses; Intermodal Freight Forwarding Inc.....	22254
Portala Shipping Service.....	22255
Thielen, H. S., Inc.....	22255

**FEDERAL POWER COMMISSION****Notices***Hearings, etc.:*

El Paso Natural Gas Co.....	22255
Florida Power and Light Co.....	22255

**FISH AND WILDLIFE SERVICE****Rules and Regulations**

Hunting; special regulations: Alaska:	
Arctic National Wildlife Range.....	22235
Certain National Wildlife Refuges in Alaska.....	22236
Kodiak National Wildlife Refuge.....	22235
Oklahoma; Washita National Wildlife Refuge.....	22235
Wisconsin; Necedah National Wildlife Refuge.....	22235
Sport fishing; Alaska; certain national wildlife refuges.....	22234

**FOOD AND DRUG ADMINISTRATION****Rules and Regulations**

New animal drugs for use in feeds; tylosin.....	22224
---	-------

**Proposed Rules**

Food additives; name and specifications change for extracted, deglanded cottonseed flour.....	22241
---	-------

**Notices**

Griffith Laboratories, Inc., et al.; bread deviating from identity standard; temporary permit for market testing.....	22247
---	-------

**FOREST SERVICE****Notices**

Salmon River-Roaring River Land Use Plan, Mt. Hood National Forest.....	22246
---	-------

**GENERAL SERVICES ADMINISTRATION****Rules and Regulations**

Government-wide automated data management services; computer performance evaluation and ADP simulation.....	22227
Interagency motor vehicle pools; miscellaneous amendments.....	22229

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See also* Education Office; Food and Drug Administration; Social and Rehabilitation Service.

**Rules and Regulations**

Availability of information; release of Department records to the public.....	22230
---	-------

**Proposed Rules**

Capital expenditures; limitation on Federal participation; correction.....	22242
--	-------

**HEARINGS AND APPEALS OFFICE****Notices**

A. & W. Auger Corp.; petition for modification of application of mandatory safety standard.....	22245
---	-------

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

*See* Federal Insurance Administration; Interstate Land Sales Registration Office.

**INDIAN AFFAIRS BUREAU****Rules and Regulations**

Preparation of a roll of Alaska natives; eligibility, appeals, deadline for amending enrollment applications; correction.....	22227
---	-------

**INTERIOR DEPARTMENT**

*See* Fish and Wildlife Service; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; Oil and Gas Office.

**INTERSTATE COMMERCE COMMISSION****Notices**

Assignment of hearings (2 documents).....	22259
Motor Carrier Board transfer proceedings.....	22259
Motor carrier temporary authority applications.....	22259

**INTERSTATE LAND SALES REGISTRATION OFFICE****Notices**

St. Hubert 226; order of suspension.....	22247
--	-------

**LABOR DEPARTMENT**

*See* Employments Standards Administration.

**LAND MANAGEMENT BUREAU****Rules and Regulations**

Noncompetitive leases; simultaneous offers.....	22230
---	-------

**Notices**

California; classification of public land for disposal by exchange.....	22245
---	-------

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****Notices**

Medical Isotopes Advisory Committee; meeting.....	22255
---	-------

**OIL AND GAS OFFICE****Proposed Rules**

Oil imports; new, expanded or reactivated petrochemical capacity; allocations of crude oil and unfinished oils in districts I-IV, V and Puerto Rico.....	22237
--	-------

**SMALL BUSINESS ADMINISTRATION****Notices**

Application for license and transfer of license and small business investment company:	
Investment Funds Inc.....	22256
NYBDC Capital Corp.....	22257
Disaster relief, availability, and applications for relief:	
New Jersey.....	22256
New York.....	22256
Pennsylvania.....	22256

**SOCIAL AND REHABILITATION SERVICE****Proposed Rules**

Contracts for management consulting services.....	22242
---	-------

**TARIFF COMMISSION****Notices**

Ceramic glazed wall tile from the Philippines; determination of no injury or likelihood thereof.....	22257
Extension of time:	
Analog-to-digital meters.....	22257
Certain electronic audio and related equipment.....	22259
Polychloroprene rubber from Japan; investigation and hearing.....	22258
Worker's petition for a determination; Bower Roller Bearing Division.....	22258

**TRANSPORTATION DEPARTMENT**

*See* Federal Aviation Administration; Federal Highway Administration.

**TREASURY DEPARTMENT****Notices**

Director, Office of Equal Opportunity Program; delegation of authority.....	22245
---	-------



# List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

<b>3 CFR</b>		<b>14 CFR</b>		<b>43 CFR</b>	
PROCLAMATION:		39	22223	3110	22230
4233	22213	71	22224		
		PROPOSED RULES:		<b>45 CFR</b>	
<b>5 CFR</b>		71 (4 documents)	22243	5	22230
213	22215	<b>21 CFR</b>		PROPOSED RULES:	
		121	22224	250	22242
<b>7 CFR</b>		135e	22224		
910	22215	PROPOSED RULES:		<b>46 CFR</b>	
948	22215	121	22241	PROPOSED RULES:	
993	22216	<b>24 CFR</b>		531	22244
1050	22216	1914	22226	536	22244
PROPOSED RULES:		<b>25 CFR</b>		<b>47 CFR</b>	
29	22239	43h	22227	1	22225
928	22240	<b>32A CFR</b>		87	22226
959	22240	PROPOSED RULES:		<b>49 CFR</b>	
		Ch. X:		PROPOSED RULES:	
<b>10 CFR</b>		OI Reg. 1	22237	390	22244
19	22217	<b>40 CFR</b>		391	22244
20	22220	133	22298	392	22244
31	22220	<b>41 CFR</b>		393	22244
34	22221	101-32	22227	394	22244
35	22221	101-39	22229	395	22244
40	22221	<b>42 CFR</b>		396	22244
50	22221	PROPOSED RULES:		397	22244
55	22221	81	22242		
70	22221			<b>50 CFR</b>	
115	22221			32 (5 documents)	22234, 22235
150	22221			33	22236



# THE HISTORY OF THE UNITED STATES

OF THE  
NORTH AMERICAN CONTINENT  
FROM THE FIRST DISCOVERY  
TO THE PRESENT TIME

BY  
JOHN F. JOHNSON  
OF THE  
NEW YORK PUBLIC LIBRARY

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875

NEW YORK  
PUBLISHED BY  
JOHN F. JOHNSON  
1875



# Presidential Documents

## Title 3—The President

PROCLAMATION 4233

### Leif Erikson Day, 1973

*By the President of the United States of America*

#### A Proclamation

Leif Erikson first established ties between the Nordic countries and the New World when he and his companion Norse explorers landed on the North American continent in the 11th century. Their success in the face of formidable odds provides a memorable example of how vision and faith and courage can achieve even the most elusive goals.

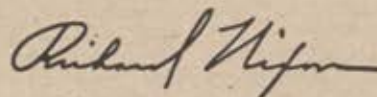
From Leif Erikson's day to ours, the Nordic culture has been a major influence in shaping the American character. As we honor his memory, we also honor the contributions of those who followed later in the path that he first traveled.

It is with these thoughts in mind that I happily comply with the request of the Congress of the United States, in a joint resolution approved September 2, 1964 (78 Stat. 849), that the President proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Tuesday, October 9, 1973, as Leif Erikson Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.



[FR Doc.73-17302 Filed 8-15-73;3:23 pm]







# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE General Services Administration

Section 213.3337 is amended to show that one position of Associate Administrator for Federal Management Policy is excepted under Schedule C.

Effective August 17, 1973, § 213.3337 (a) (13) is added as set out below.

§ 213.3337 General Services Administration.

(a) Office of Administrator for Federal Management Policy

(13) Associate Administrator for Federal Management Policy.

(5 U.S.C. 3301, 3302, E.O. 10547; 3 CFR 1954-58 Comp., p. 216)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-17325 Filed 8-16-73; 10:01 am]

## Title 7—Agriculture CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 599]

### 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 August 19-25, 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.

§ 910.599 Lemon Regulation 599.

(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.

(1) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendations resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies for 165's and larger sizes but has eased somewhat on 200's and 235's. Average f.o.b. price was \$6.66 per carton the week ended August 11, 1973, compared to \$6.11 per carton the previous week. Track and rolling supplies at 153 cars were up 8 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 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 lemons and the need for regulation; interested per-

sons 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 section, 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 August 14, 1973.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 19, 1973, through August 25, 1973, is hereby fixed at 265,000 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: August 15, 1973.

D. S. KURYLOSKE,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-17371 Filed 8-16-73; 11:35 am]

[Area No. 3]

### PART 948—IRISH POTATOES GROWN IN COLORADO

#### Expenses and Rate of Assessment

This document authorizes expenses of \$3,625 for the Area No. 3 Committee under Marketing Order No. 948, as amended, during the 1973-74 fiscal period and fixes a rate of assessment of \$0.007 per hundredweight of potatoes handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado) was published in the July 13, 1973, FEDERAL REGISTER (38 FR 18672). This regulatory program is effective under the



Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 13, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice which were recommended by the Area No. 3 Committee it is hereby determined that:

**§ 948.270 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Area No. 3 Committee to enable it to perform its functions, under this part, during the fiscal period ending June 30, 1974, will amount to \$3,625.

(b) The rate of assessment to be paid by each handler under this part shall be \$0.007 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974 may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment for a particular fiscal period apply to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1973, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

Dated: August 14, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.73-17142 Filed 8-16-73; 8:45 am]

**PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA**

**Expenses of the Prune Administrative Committee and Rate of Assessment for the 1973-74 Crop Year**

Notice was published in the July 30, 1973, issue of the FEDERAL REGISTER (38 FR 20265) regarding proposed expenses of the Prune Administrative Committee, and rate of assessment, for the 1973-74 crop year, under §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order

are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendation of the Prune Administrative Committee. Expenses of the Committee for the 1973-74 crop year were proposed at \$160,000. Also proposed was an assessment rate of \$1.00 per ton of assessable prunes. The Committee estimated that the 1973-74 assessable tonnage would be 160,000 natural condition tons.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1973, shall be as follows:

**§ 993.324 Expenses of the Prune Administrative Committee and rate of assessment for the 1973-74 crop year.**

(a) *Expenses.* Expenses in the amount of \$160,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1973, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at \$1.00 per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1973, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

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

Dated: August 14, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.73-17183 Filed 8-16-73; 8:45 am]

**CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE**

[Milk Order No. 50]

**PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA**

**Order Suspending Certain Provisions**

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20626) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1973 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1050.61(a) the term "route disposition" as it first appears, and the term "route" as it subsequently appears twice therein.

**STATEMENT OF CONSIDERATION**

This suspension action removes the limit on the categories of Class I disposition in Federal order marketing areas that shall be counted in the determination of whether a distributing plant has a greater volume of Class I sales in the Central Illinois marketing area than in any other Federal order marketing area. For distributing plants which meet the minimum pooling provisions under more than one order, full regulation is provided under the order for the market where the greatest volume of Class I sales is made. Under the Central Illinois order, only Class I route disposition is now counted in such determination. This suspension would include, additionally, Class I disposition to order plants in the respective marketing areas, as is provided under the Quad Cities-Dubuque order.

Mississippi Valley Milk Producers Association, Inc., requests the suspension action to facilitate continued regulation of the Borden, Inc., Pekin, Illinois, distributing plant under the Central Illinois order rather than its being pooled under the Quad Cities-Dubuque order in August 1973. This producer association supplies the Pekin plant with member producer milk.

Over one-third of the Class I disposition pooled under the Central Illinois order is associated with the Pekin plant. If this plant shifts regulation to the Quad Cities-Dubuque market, the change in



Class I utilization percentages between the markets would result in a substantial reduction of the uniform price under the Central Illinois order and a substantial increase in the uniform price under the Quad Cities-Dubuque order. Consequently, it would have a disruptive impact on the milk procurement situation between the markets, as it is influenced by the relationship of uniform prices under the orders.

Also, if the Pekin plant were pooled under the Quad Cities-Dubuque order, it would adversely affect the aforementioned association's ability to continue supplying milk to the plant, since substantial additional hauling costs are incurred in moving its member milk to the Pekin location compared to plants located within the Quad Cities-Dubuque market, which are about 100 miles nearer to its member producers' farms. The Quad Cities-Dubuque order prices applicable at the Pekin plant location are the same as for plants located within 70 miles of Rock Island, Illinois (one of the Quad Cities).

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it would facilitate pooling a major portion of the market's Class I utilization during August 1973;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the month of August 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for month of August 1973.

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

Effective date: August 17, 1973.

Signed at Washington, D.C., on: August 14, 1973.

CLAYTON YEUTTER,  
Acting Secretary.

[FR Doc.73-17182 Filed 8-16-73;8:45 am]

# Title 10—Atomic Energy CHAPTER I—ATOMIC ENERGY COMMISSION

## PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

The Atomic Energy Commission has adopted a new regulation, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections, which includes certain provisions for the options of workers engaged in licensed activities concerning Commission inspections.

These provisions are comparable with those provided by the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970 (OSHA), as set out in 29 CFR Part 1903. Several requirements from 10 CFR Part 20 regarding information that licensees must provide for these workers are included in Part 19.

The basic purpose of the new Part 19 is to provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those afforded for working conditions regulated by the Department of Labor.

The Commission published a notice of proposed rulemaking in the FEDERAL REGISTER on January 4, 1973 (38 FR 802) that included the proposed Part 19. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rule-making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed new part and associated amendments to Part 20 published for comment, with certain modifications and editorial changes, and has amended 10 CFR Parts 31, 34, 35, 40, 70, 115 and 150, to clarify the applicability of Part 19. The more important changes made in Part 19 and the amendments based largely on these comments, are as follows:

(1) In many cases, the licensee may not be the employer of the individual workers protected by the amendments. Since it is the responsibility of the licensee rather than the individual's employer to control radiological working conditions, the terms "employer" and "employee" have been eliminated. The terms "licensee" and "worker" or "individual" as appropriate are used instead.

(2) Licensees frequently conduct licensed activities at two or more locations often involving different kinds of work. It has been made clear that the intent of the posting requirements in the proposed § 19.11 was to make the relevant documents accessible to workers involved in the licensed activities at the location to which the documents, e.g., notices of violation, apply.

(3) It has been clarified that the requirement in § 19.11 for posting notices of violations, notices of proposed imposition of civil penalty, or orders issued pursuant to Subpart B of Part 2 of this chapter, applies only to documents relevant to radiological working conditions.

(4) In many cases, the documents required to be posted by the provisions of § 19.11 are complex, bulky, and of little interest to any but the workers engaged in the particular licensed activity. If adequate accessibility of these documents to workers is assured, it is considered acceptable instead to post a notice describing such documents, stating where they may be examined.

(5) Because of the time required to disseminate and post a notice of violation, proposed imposition of civil

penalty, or order issued by the Commission, and to prepare a preliminary response if desired, the time within which documents are required to be posted has been changed in § 19.11 from 24 hours to 2 working days. Similarly, to take into account prompt corrective action, the time required for the documents to remain posted is changed from 10 working days (or until correction, whichever is later) to 5 working days (or until correction, whichever is later).

(6) Section 19.15 permits the worker to bring occupational radiological protection matters privately to the attention of the inspector; § 19.16 permits the worker to notify the Commission in writing about working conditions he believes are in violation of the Act, the regulations, or license conditions; on the other hand, § 19.12 requires the licensee to instruct the worker to report promptly to the licensee certain matters regarding working conditions. The interests of worker safety are best served in matters concerning working conditions if supervisors, who can act promptly to correct undesirable conditions, are notified promptly. It is the intent of this regulation to encourage the worker to notify the licensee of possibly undesirable conditions prior to his notifying the Commission, thus avoiding unnecessary delays in corrective action. The point is clarified.

In addition, a number of other minor and editorial changes have been made that reflect written comments received.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following new Part 19 of Title 10, Chapter I, Code of Federal Regulations is published as a document subject to codification, to be effective on September 17, 1973.

A new Part 19 is added to read as follows:

Sec.	Purpose.
19.1	Scope.
19.2	Definitions.
19.3	Interpretations.
19.4	Communications.
19.5	Posting of notices to workers.
19.6	Instructions to workers.
19.7	Notifications and reports to individuals.
19.8	Presence of representatives of licensees and workers during inspections.
19.9	Consultation with workers during inspections.
19.10	Requests by workers for inspections.
19.11	Inspection not warranted; informal review.
19.12	Violations.
19.13	Application for exemptions.

AUTHORITY: Atomic Energy Act of 1954; as amended, and sections 552, 553 of title 5, U.S.C.

### § 19.1 Purpose.

The regulations in this part establish requirements for notices, instructions and reports by licensees to individuals participating in licensed activities, and options available to such individuals in connection with Commission inspections



of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, and regulations, orders and licenses issued thereunder regarding radiological working conditions.

#### § 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use or transfer material licensed by the Commission pursuant to the regulations in Parts 30 through 35, 40, or 70 of this chapter, including persons licensed or authorized to operate a production or utilization facility pursuant to Part 50 or Part 115 of this chapter.

#### § 19.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, (68 Stat. 919) including any amendments thereto;

(b) "Commission" means the United States Atomic Energy Commission;

(c) "Worker" means an individual engaged in activities licensed by the Commission and controlled by a licensee, but does not include the licensee.

(d) "License" means a license issued under the regulations in Parts 30 through 35, 40, or 70 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

(e) "Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

#### § 19.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

#### § 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Maryland; or at Germantown, Maryland.

#### § 19.11 Posting of notices to workers.

(a) Each licensee shall post current copies of the following documents: (1) The regulations in this part and in Part 20 of this chapter; (2) the license, license conditions, or documents incorporated into a license by reference, and amendments thereto; (3) the operating proce-

dures applicable to licensed activities; (4) any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and any response from the licensee.

(b) If posting of a document specified in paragraph (a), (1), (2) or (3) of this section is not practicable, the licensee may post a notice which describes the document and states where it may be examined.

(c) Form AEC-3, "Notice to Employees," shall be posted by each licensee wherever individuals work in or frequent any portion of a restricted area.

NOTE: Copies of Form AEC-3 may be obtained by writing to the Director of the appropriate U. S. Atomic Energy Commission Regional Regulatory Operations Office listed in Appendix "D", Part 20 of this chapter, or the Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D.C. 20545.

(d) Documents, notices, or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in licensed activities to observe them on the way to or from any particular licensed activity location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Commission documents posted pursuant to paragraph (a) (4) of this section shall be posted within 2 working days after receipt of the documents from the Commission; the licensee's response, if any, shall be posted within 2 working days after dispatch by the licensee. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

#### § 19.12 Instructions to workers.

All individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials occurring in such areas; shall be instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation or to radioactive material; shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and shall be advised as to the radiation exposure reports which workers may re-

quest pursuant to § 19.13. The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

#### § 19.13 Notifications and reports to individuals.

(a) Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Commission regulations, orders or license conditions, as shown in records maintained by the licensee pursuant to Commission regulations. Each notification and report shall: be in writing; include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulation 10 CFR Part 19. You should preserve this report for further reference.

(b) At the request of any worker, each licensee shall advise such worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee pursuant to § 20.401(a) and (c).

(c) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. Such report shall be furnished within 30 days from the time the request is made, or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive materials licensed by the Commission; and shall include the dates and locations of licensed activities in which the worker participated during this period.

(d) When a licensee is required pursuant to § 20.405 or § 20.408 of this chapter to report to the Commission any exposure of an individual to radiation or radioactive material the licensee shall also provide the individual a report on his exposure data included therein. Such report shall be transmitted at a time not later than the transmittal to the Commission.

#### § 19.14 Presence of representatives of licensees and workers during inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter.

(b) During an inspection, Commission inspectors may consult privately with



workers as specified in § 19.15. The licensee or licensee's representative may accompany Commission inspectors during other phases of an inspection.

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during Commission inspections, the licensee shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in licensed activities under control of the licensee and shall have received instructions as specified in § 19.12.

(e) Different representatives of licensees and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the licensee and the workers' representative an individual who is not routinely engaged in licensed activities under control of the licensee, for example, a consultant to the licensee or to the workers' representative, shall be afforded the opportunity to accompany Commission inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, Commission inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

#### § 19.15 Consultation with workers during inspections.

(a) Commission inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Commission regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(b) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the act, the regulations in this chapter, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material under the licensee's control. Any such notice in writing shall comply with the requirements of § 19.16(a).

(c) The provisions of paragraph (b) of this section shall not be interpreted as authorization to disregard instructions pursuant to § 19.12.

#### § 19.16 Requests by workers for inspections.

(a) Any worker or representative of workers who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in license activities with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Director of Regulatory Operations, to the Director of the appropriate Commission Regional Office, or to Commission inspectors. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of workers. A copy shall be provided the licensee by the Director of Regulatory Operations, Regional Office Director, or the inspector no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the Commission, except for good cause shown.

(b) If, upon receipt of such notice, the Director of Regulatory Operations or Regional Office Director determines that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(c) No licensee shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under the regulations in this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this part.

#### § 19.17 Inspections not warranted; informal review.

(a) If the Director of Regulatory Operations or of the appropriate Regional Office determines, with respect to a complaint under § 19.16, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, who will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complain-

ant. The licensee may submit an opposing written statement of position with the Director of Regulation who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Director of Regulation or his designee may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Director of Regulation shall affirm, modify, or reverse the determination of the Director of Regulatory Operations or of the appropriate Regional Office and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

(b) If the Director of Regulatory Operations or of the appropriate Regional Office determines that an inspection is not warranted because the requirements of § 19.16(a) have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of § 19.16(a).

#### § 19.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

#### § 19.31 Application for exemptions.

The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

(Secs. 53, 63, 81, 103, 104, 161, 68 Stat. 930, 933, 936, as amended, 937, 948; 42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201)

Dated at Germantown, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary of the Commission.

[FR Doc.73-17081 Filed 8-16-73; 8:45 am]



# **PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION**

## **Reports to Employees and Other Individuals**

The Atomic Energy Commission published a notice in the *Federal Register* on January 4, 1973 (38 FR 805) that it had under consideration proposed amendments to 10 CFR Part 20 of the Commission's regulations. The amendments would transfer from 10 CFR Part 20 certain sections that would be incorporated in the new 10 CFR Part 19, and would add to 10 CFR Part 20 appropriate references to new 10 CFR Part 19 so that the transferred provisions could be easily found. A new section would be added containing the requirements for notification and reports to individuals which could include persons other than employees. The requirements for reports to individuals as specified in §§ 20.405(c) and 20.408 would be combined into one paragraph of the new section. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the *Federal Register*.

After consideration of the comments received, the Commission has adopted the proposed amendments. Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification, to be effective on September 17, 1973.

Concurrently with publication of this notice, the Atomic Energy Commission is publishing a new part to its regulations, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections.

1. Section 20.206 is amended to read as follows:

### **§ 20.206 Instruction of personnel.**

Instructions required for individuals working in or frequenting any portion of a restricted area are specified in § 19.12 of this chapter.

### **§ 20.404 [Deleted]**

2. Section 20.404 is deleted.

### **§ 20.405 [Amended]**

3. Paragraph (c) of § 20.405 is deleted.

### **§ 20.406 [Deleted]**

4. Section 20.406 is deleted.

### **§ 20.408 [Amended]**

5. Section 20.408 is amended to delete the words "to such individual and".

6. A new § 20.409 is added to read as follows:

### **§ 20.409 Notifications and reports to individuals.**

(a) Requirements for notifications and reports to individuals of exposure to

radiation or radioactive material are specified in § 19.13 of this chapter.

(b) When a licensee is required pursuant to §§ 20.405 or 20.408 to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Commission, and shall comply with the provisions of § 19.13(a) of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland, this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary  
of the Commission.

[FR Doc. 73-17080 Filed 8-16-73; 8:45 am]

## **MISCELLANEOUS AMENDMENTS TO CHAPTER**

Notice is hereby given of the amendment of 10 CFR Parts 31, 34, 35, 40, 70, 115, and 150.

Concurrently with the publication of this notice, the Atomic Energy Commission is publishing a new part to its regulations, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections. Certain sections that formerly appeared in 10 CFR Part 20 have been transferred to 10 CFR Part 19. In 10 CFR Parts 31, 34, 35, 40, 70, 115, and 150, references to 10 CFR Part 20 are made. The amendments which follow add 10 CFR Part 19 where each reference to a transferred section of 10 CFR Part 20 is made.

Other sections of the new 10 CFR Part 19 provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those that are afforded for working conditions regulated by the Department of Labor pursuant to the Occupation Safety and Health Act of 1970, as set out in 29 CFR Part 1903. The amendments to 10 CFR Parts 31, 35 and 40 which follow exempt certain holders of general licenses from the requirements of 10 CFR Part 19 as well as from 10 CFR Part 20. The amendment to 10 CFR Part 34 requires licensees to provide radiographers with copies of, and instruction in applicable sections of, 10 CFR Part 19 as well as 10 CFR Part 20. The amendments to 10 CFR Parts 70 and 150 subject certain general licensees under those parts to the provisions of 10 CFR Part 19 as well as to 10 CFR Part 20. The amendment to 10 CFR Part 115 subjects persons authorized to operate certain Commission-owned nuclear reactors to the provisions of 10 CFR Part 19 as well as 10 CFR Part 20.

Because these amendments relate solely to clarification and consistency with existing regulations, the Commission has found that notice of proposed rulemaking and public procedure thereon are unnecessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the following amendments of 10 CFR Parts 31, 34, 35, 40, 70, 115 and 150 of the Commission's regulations are published as a document subject to codification, to be effective on September 17, 1973.

## **PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL**

1. Paragraph (a) of § 31.2 of 10 CFR Part 31 is amended to read as follows:

### **§ 31.2 Terms and conditions.**

(a) The general licenses provided in this part are subject to the provision of §§ 30.14(d), 30.34(a) to (e), 30.51 to 30.63 and Parts 19, 20 and 36 of this chapter unless indicated otherwise in the language of the general license.

2. Subparagraph (7) of § 31.5(d) of 10 CFR Part 31 is amended to read as follows:

### **§ 31.5 Certain measuring, gauging or controlling devices.**

(d) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in this section:

(7) Shall be exempt from the requirements of Parts 19 and 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

### **§ 31.7 [Amended]**

3. Paragraph (b) of § 31.7 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

### **§ 31.8 [Amended]**

4. Paragraph (c) of § 31.8 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

5. Subparagraph (3) of § 31.10(b) of 10 CFR Part 31 is amended to read as follows:

### **§ 31.10 General license for strontium 90 in ice detection devices.**

(b) Persons who own, receive, acquire, possess, use or transfer strontium 90 contained in ice detection devices pursuant to the general license in paragraph (a) of this section:

(3) Are exempt from the requirements of Parts 19 and 20 of this chapter except that such persons shall comply with the provisions of §§ 20.301, 20.402, and 20.403 of this chapter.

### **§ 31.11 [Amended]**

6. Paragraph (f) of § 31.11 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".



**PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS**

7. Subparagraph (2) of § 34.31(a) of 10 CFR 34 is amended to read as follows:

**§ 34.31 Limitations.**

(a) The licensee shall not permit any person to act as a radiographer until such person:

(2) Has received copies of and instruction in the regulations contained in this part and in the applicable sections of Parts 19 and 20 of this chapter, AEC license(s), and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

**PART 35—HUMAN USES OF BYPRODUCT MATERIAL**

**§ 35.31 [Amended]**

8. Paragraph (e) of § 35.31 of 10 CFR Part 35 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

**PART 40—LICENSING OF SOURCE MATERIAL**

**§ 40.22 [Amended]**

9. Paragraph (b) of § 40.22 of 10 CFR Part 40 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

**PART 70—SPECIAL NUCLEAR MATERIAL**

**§ 70.19 [Amended]**

10. Paragraph (c) of § 70.19 of 10 CFR Part 70 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

**PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS**

11. Paragraph (b) of § 115.80 of 10 CFR Part 115 is amended to read as follows:

**§ 115.80 Applicability of other regulations.**

(b) Each holder of an authorization shall comply with the provisions of Parts 19 and 20 of this chapter to the same extent as if such authorization were a license issued under Part 50 of this chapter.

**PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274**

12. The prefatory language of paragraph (b) of § 150.20 of 10 CFR Part 150 is amended to read as follows:

**§ 150.20 Recognition of Agreement State licenses.**

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63 inclusive, 40.71, and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provision of Parts 19, 20, 71, and Subpart B of Part 34 of this chapter. In addition any person who engages in activities in non-Agreement States under a general license provided in this section:

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland this 10th day of August, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary  
of the Commission.

[FR Doc.73-17082 Filed 8-16-73; 8:45 am]

**PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES**

**PART 55—OPERATORS' LICENSES**

**Qualification Requirements for Operating Personnel of Production and Utilization Facilities**

On June 14, 1972, the Atomic Energy Commission published in the *FEDERAL REGISTER* (37 FR 11785) for public comment proposed amendments to 10 CFR Part 55, Operators' Licenses, which would (1) provide for the use of requalification programs for operating personnel as a condition of license renewal and (2) establish minimum requirements for requalification programs for production and utilization facility operators and senior operators.

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rulemaking in the *FEDERAL REGISTER*. After careful consideration of the comments received in response to the notice of proposed rulemaking and other factors involved, the Commission has decided to adopt the amendments in the form set out below. The amendments as adopted reflect the suggestions in a number of the comments. The principal changes from the proposed amendments are as follows:

1. A new § 50.34(b) (8) has been added which requires that each application for a license to operate a facility include a description and plans for implementation of an operator requalification program which, as a minimum, meets the requirements of Appendix A of Part 5.

2. A new § 50.54(i-1) has been added which:

a. Clarifies that Appendix A of Part 55 is applicable to requalification programs for operators and senior operators of all production and utilization facilities;

b. Specifies that within three months after issuance of an operating license the facility licensee shall have in operation an operator requalification program;

c. Provides that, notwithstanding the provisions of § 50.59, the licensee shall not, except as specifically authorized by the Commission, make a change in an approved operator requalification program by which the scope, time allotted for the program or frequency in conducting different parts of the program is decreased; and

d. Requires holders of operating licenses in effect on the effective date of these amendments to submit an operator requalification program for Commission approval and concurrently implement that program within three months after the effective date of the amendments.

3. Section 55.31 has been revised to require a licensee, who has not, for any reason, been actively performing the functions of an operator or a senior operator for a period of four months or longer, to demonstrate to the Commission that his knowledge and understanding of facility operation and administration are satisfactory before resuming his licensed duties as an operator or a senior operator.

4. Section 55.33 has been revised to permit the submission to the Commission in an application for license renewal filed within two years after the effective date of these amendments a statement as to partial completion of a requalification program in cases where an operator has not completed the entire program at the time of license renewal because of the time necessary for the facility licensee to implement the requalification program prescribed in the amendments. The operator will be required to submit a statement covering those portions of the requalification program which have been completed as of the date of the application.

5. A new Section 1 entitled, "Schedule," has been added to Appendix A and existing Sections 1 through 5 of Appendix A have been renumbered 2 through 6, respectively. New Section 1 requires the requalification program to be conducted for a continuous period not to exceed two years and upon conclusion to be promptly followed by successive requalification programs.

6. Section 2 of Appendix A entitled, "Lectures", has been revised to:

a. Permit the use of an annual written examination given to each operator or senior operator to form the basis for the lecture series. Only areas where improved knowledge is required of an operator need be covered in the lecture series;

b. Permit the use of training aids such as films and videotapes; and

c. Encourage individual study on the part of each operator, but provide that a requalification program based solely



upon the use of films, videotapes and individual study is not an acceptable substitute for a lecture series.

7. Section 3 of Appendix A entitled, "On-the-Job Training," has been revised to:

a. Permit the substitution of control manipulations which demonstrate skill and/or familiarity with plant control systems to satisfy the requirements that an operator manipulate the plant controls;

b. Require that for reactors, the plant control manipulations consist of at least 10 reactivity control manipulations in any combination of reactor startups, reactor shutdowns or other control manipulations which demonstrate skill and/or familiarity with reactivity control systems; and

c. Permit the required control manipulations to be performed on plant simulators which reproduce the general operating characteristics of the facility involved and which have arrangements and controls similar to that of the facility. This modification is intended to allow the use of simulators which are similar to but not identical to the controls of the production or utilization facility to which the requalification program applies.

8. Section 4 of Appendix A entitled, "Evaluation," has been revised to:

a. Permit the use of annual written examinations to form the basis for the formal lecture series coverage for each operator or senior operator;

b. Require that if a plant simulator is used in the evaluation portion of the requalification program, it accurately reproduce the operating characteristics of the facility involved and closely parallel the arrangement of instrumentation and controls of the facility; and

c. Require each licensed operator and senior operator to participate in an accelerated requalification program where evaluation of performance clearly indicates the need.

9. Section 5 of Appendix A entitled, "Records," has been revised to better specify the content of records to be maintained to document each licensed operator's and senior operator's participation in the requalification program.

10. Section 6 of Appendix A entitled, "Alternative Training Programs," has been revised to require Commission approval of alternative requalification programs conducted by persons other than the facility licensee.

11. A new Section 7 entitled "Applicability to Research and Test Reactors and Non-Reactor Facilities" has been added to:

a. Clarify the applicability of the requirements of Appendix A with regard to research and test reactors and non-reactor facilities, such as fuel reprocessing plants, and

b. Require that significant deviations from the provisions of Appendix A of Part 55 in a proposed requalification program for such facilities be justified when the program is submitted to the Commission for approval.

12. Minor editorial changes have also been made to 10 CFR Part 55.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 55 are published as a document subject to codification to be effective on September 17, 1973.

1. A new subparagraph (8) is added to § 50.34(b) to read as follows:

§ 50.34 Contents of applications: Technical information.

(b) \* \* \*

(8) A description and plans for implementation of an operator requalification program. The operator requalification program shall, as a minimum, meet the requirements for those programs contained in Appendix A of Part 55 of this chapter.

In § 50.54, a new paragraph (1-1) is added to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued:

(1-1) Within three (3) months after issuance of an operating license, the licensee shall have in effect an operator requalification program which shall, as a minimum, meet the requirements of Appendix A of Part 55 of this Chapter. Notwithstanding the provisions of § 50.59 the licensee shall not except as specifically authorized by the Commission, make a change in an approved operator requalification program by which the scope, time allotted for the program or frequency in conducting different parts of the program is decreased. Holders of operating licenses in effect on September 17, 1973, shall within three months after September 17, 1973, submit for Commission approval an operator requalification program which shall, as a minimum, meet the requirements of Appendix A of Part 55 of this chapter and concurrently implement such a program.

3. In § 55.31, paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added to read as follows:

§ 55.31 Conditions of the licenses.

Each license shall contain and is subject to the following conditions, whether stated in the license or not:

(e) If a licensee has not been actively performing the functions of an operator or senior operator for a period of four months or longer, he shall, prior to resuming activities licensed pursuant to this part, demonstrate to the Commission that his knowledge and understanding of facility operation and administration are satisfactory. The Commission may accept as evidence, a certification by an authorized representative of the facility licensee or by the holder of an operating

authorization by which the licensee has been employed.

4. Paragraph (a) (4) and (5) of § 55.33 are redesignated as paragraph (a) (5) and (6), respectively; a new paragraph (a) (4) is added, and paragraph (c) (2) is revised to read as follows:

§ 55.33 Renewal of licenses.

(a) Application for renewal of a license shall be signed by the applicant and shall contain the following information:

(4) A statement that during the effective term of his current license the applicant has satisfactorily completed the requalification program for the facility for which operator or senior operator license renewal is sought. In the case of an application for license renewal filed within two years after September 17, 1973, if the facility licensee has not implemented the requalification program requirements in time for the applicant to complete an approved requalification program before the effective term of his current license expires, the applicant shall submit a statement showing his current enrollment in an approved requalification program and describing those portions of the program which he had completed by the date of his application for license renewal.

(c) The license will be renewed if the Commission finds that:

(2) (i) The licensee has been actively and extensively engaged as an operator or as a senior operator under his existing license, has discharged his responsibilities competently and safely, and is capable of continuing to do so.

(ii) The licensee has completed a requalification program or is presently enrolled in a requalification program if the completion of the requalification program will occur after the expiration of his license as provided in subparagraph (a) (4) of this section.

(iii) If the requirements of paragraph (c) (2) (i) and (ii) of this section are not met, the Commission may require the applicant for renewal to take a written examination or an operating test or both.

5. An Appendix A is added to Part 55 to read as follows:

#### APPENDIX A

#### REQUALIFICATION PROGRAMS FOR LICENSED OPERATORS OF PRODUCTION AND UTILIZATION FACILITIES

##### Introduction

Section 50.54 of 10 CFR Part 50 requires that individuals who manipulate controls of production and utilization facilities be licensed as operators by the Commission and that individuals who direct the licensed activities of licensed operators be licensed as senior operators in accordance with 10 CFR Part 55. Section 55.33 of 10 CFR Part 55



requires that each licensed individual demonstrate his continued competence every two years in order for his license to be renewed. Competence may be demonstrated, in lieu of reexamination, by satisfactory completion of a requalification program which has been reviewed and approved by the Commission.

Periodic requalification for all operators and senior operators of production and utilization facilities is necessary for the personnel to maintain competence, particularly to respond to abnormal and emergency situations. The complexity of design and operating modes of production and utilization facilities require that ongoing comprehensive requalification programs be conducted for all licensed operators and senior operators as a matter of sound principle and practice.

Licensed operators and senior operators of production and utilization facilities who have been actively and extensively engaged as operators or as senior operators shall participate in requalification programs meeting the requirements of this Appendix. Individuals who maintain operator or senior operator licenses for the purpose of providing backup capability to the operating staff shall participate in the requalification programs except to the extent that their normal duties preclude the need for specific retraining in particular areas. Licensed operators or senior operators whose licenses are conditioned to permit manipulation of specific controls only shall participate in those portions of the requalification program appropriate to the duties they perform.

The requalification program requirements involving manipulation of controls may be performed on the facility for which the operator is licensed. However, the use of a simulator as specified in Paragraphs 3e and 4d of this appendix is permissible and such use is encouraged.

#### Requalification Program Requirements

1. *Schedule.* The requalification program shall be conducted for a continuous period not to exceed two years, and upon conclusion shall be promptly followed, pursuant to a continuous schedule, by successive requalification programs.

2. *Lectures.* The requalification program shall include preplanned lectures on a regular and continuing basis throughout the license period in those areas where annual operator and senior operator written examinations indicate that emphasis in scope and depth of coverage is needed in the following subjects:

- Theory and principles of operation.
- General and specific plant operating characteristics.
- Plant instrumentation and control systems.
- Plant protection systems.
- Engineered safety systems.
- Normal, abnormal, and emergency operating procedures.
- Radiation control and safety.
- Technical specifications.
- Applicable portions of Title 10, Chapter I, Code of Federal Regulations.

Other training techniques including films, videotapes and other effective training aids may also be used.

Individual study on the part of each operator shall be encouraged. However, a requalification program based solely upon the use of films, videotapes and/or individual study is not an acceptable substitute for a lecture series.

3. *On-the-job training.* The requalification program shall include on-the-job training so that:

- Each licensed operator of a production or utilization facility manipulates the plant controls and each licensed senior operator either manipulates the controls or directs

the activities of individuals during plant control manipulations during the term of their licenses. For reactor operators and senior operators, these manipulations shall consist of at least 10 reactivity control manipulations in any combination of reactor startups, reactor shutdowns or other control manipulations which demonstrate skill and/or familiarity with reactivity control systems.

b. Each licensed operator and senior operator has demonstrated satisfactory understanding of the operation of all apparatus and mechanisms and knows the operating procedures in each area for which he is licensed.

c. Each licensed operator and senior operator is cognizant of facility design changes, procedure changes, and facility license changes.

d. Each licensed operator and senior operator reviews the contents of all abnormal and emergency procedures on a regularly scheduled basis.

e. A simulator may be used in meeting the requirements of paragraphs 2a and 2b if the simulator reproduces the general operating characteristics of the facility involved, and the arrangement of the instrumentation and controls of the simulator is similar to that of the facility involved.

4. *Evaluation.* The requalification program shall include:

a. Annual written examinations which determine areas in which retraining is needed to upgrade licensed operator and senior operator knowledge.

b. Written examinations which determine licensed operators' and senior operators' knowledge of subjects covered in the requalification program and provide a basis for evaluating their knowledge of abnormal and emergency procedures.

c. Systematic observation and evaluation of the performance and competency of licensed operators and senior operators by supervisors and/or training staff members including evaluation of actions taken or to be taken during actual or simulated abnormal and emergency conditions.

d. Simulation of emergency or abnormal conditions that may be accomplished by using the control panel of the facility involved or by using a simulator. Where the control panel of the facility is used for simulation, the actions taken or to be taken for the emergency or abnormal condition shall be discussed; actual manipulation of the plant controls is not required. If a simulator is used in meeting the requirements of paragraph 4c, the simulator shall accurately reproduce the operating characteristics of the facility involved and the arrangement of the instrumentation and controls of the simulator shall closely parallel that of the facility involved.

e. Provisions for each licensed operator and senior operator to participate in an accelerated requalification program where performance evaluations conducted pursuant to paragraphs 4a through 4d clearly indicate the need.

5. *Records.* Records of the requalification program shall be maintained to document each licensed operator's and senior operator's participation in the requalification program. The records shall contain copies of written examinations administered, the answers given the licensee, results of evaluations and documentation of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies.

6. *Alternative training programs.* The requirements of this appendix may be met by requalification programs conducted by persons other than the facility licensee if such requalification programs are similar to the program described in paragraphs 1 through 5,

and the alternative program has been approved by the Commission.

7. *Applicability to research and test reactors and non-reactor facilities.* To accommodate specialized modes of operation and differences in control, equipment, and operator skills and knowledge, the requalification program for each licensed operator and senior operator of a research or test reactor or of a non-reactor facility shall conform generally but need not be identical to the requalification program outlined in paragraphs 1 through 6 of this appendix. However, significant deviations from the requirements of this appendix shall be permitted only if supported by written justification and approved by the Commission.

(Sec. 161 b., 1, 68 Stat. 948 as amended; 42 U.S.C. 2201 (b), (1))

Dated at Germantown, Maryland this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary  
of the Commission.

[FR Doc.73-17000 Filed 8-16-73; 8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-SW-39; Amdt. 39-1704]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Bell Model 204B and 205A-1 Helicopters

Amendment 39-1470, 37 FR 12308, A.D. 72-13-6, required inspections for fatigue cracks and corrosion and for proper assembly and sealing of Tail Rotor Grip Assemblies on Bell Model 204B, 205A, and 205A-1 helicopters. After issuing Amendment 39-1470, several reports were recently received of fatigue cracks in the internal threaded portion of the tail rotor grips with service times varying from 610 hours to 1000 hours time in service. These cracks are possibly due to corrosion. In the interest of safety, the A.D. is being superseded by a new A.D. which requires replacement of all Tail Rotor Grip Assemblies, P/N 204-011-706 or 204-011-728, as applicable, prior to 500 hours total time in service, with the exception of those with 495 or more hours which must be replaced within the next 5 hours time in service. In addition, appropriate sealing of the grip assemblies is required and an inspection of the tail rotor grip bearings is required to assure that they are in a serviceable condition. The new A.D. does not include the Model 205A, since these aircraft have all been converted to the Model 205A-1.

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

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 is amended by adding the following new airworthiness directive:



BELL. Applies to Bell Model 204B and 205A-1 helicopters certificated in all categories.

Compliance required within 5 hours time in service after the effective date of this A.D. for tail rotor grips with 495 or more hours total time in service on the effective date of this A.D., and prior to attaining 500 hours time in service for tail rotor grips with less than 495 hours total time in service on the effective date of this A.D., except that the aircraft may be flown in accordance with FAR 21.197 to a base where the inspections can be performed.

To prevent possible failure of the tail rotor grips, P/N 204-011-706 or 204-011-728, as applicable, to preclude corrosion in the retaining threads of the tail rotor grip, and to assure serviceable condition of the tail rotor grip bearings, accomplish the following:

(a) Remove the tail rotor hub and blade assembly from the helicopter, remove the blades from the grips, and remove the grips from the hub assembly in accordance with the appropriate model maintenance manual.

(b) Remove the tail rotor grip bearings from each yoke spindle and inspect the bearings for roughness or seizure. If the bearings are rough and unserviceable, replace the bearings prior to next flight.

(c) Replace the tail rotor grips prior to next flight.

(d) Assemble the tail rotor hub and blade assembly as noted in Section VI of Model 204B Maintenance and Overhaul Instruction Manual, or Section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable. Apply sealant to the inboard end of each grip as specified in Bell Helicopter Co. Service Letter No. 204B-86/205A-68, dated 12 February 1971, or later FAA approved revision, or as specified by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA. Balance the assembly as noted in the appropriate model maintenance manual.

(e) Install and track the tail rotor hub and blade assembly as noted in Section VI of Model 204B Maintenance and Overhaul Instruction Manual, or Section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101.

These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Ave., S.W., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Region Office in Fort Worth, Texas.

(Bell Helicopter Company Service Bulletin Nos. 204-05-73-2, Rev. A, and 205-05-73-4, Rev. A, dated July 25, 1973, pertain to this subject.)

This supersedes Amendment 39-1470, 37 FR 12308, A.D. 72-13-6.

This amendment becomes effective August 20, 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 Fort Worth, Texas, on August 9, 1973.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.73-17129 Filed 8-16-73;8:45 am]

[Airspace Docket No. 73-SO-56]

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

## Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hopkinsville, Ky., transition area.

The Hopkinsville transition area is described in § 71.181 (38 FR 435). In the description, there is a 6.5-mile radius predicated on the center of Hopkinsville-Christian County Airport, and an extension predicated on the 081° bearing from Christian RBN which were designated to provide controlled airspace protection for IFR aircraft departing the airport and IFR aircraft executing the NDB Runway 26 Instrument Approach Procedure. The installation of the Christian RBN did not materialize and it is necessary to alter the Hopkinsville transition area to revoke the portion predicated on Hopkinsville-Christian County Airport and the portion predicated on Christian RBN. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (38 FR 435), the Hopkinsville, Ky., transition area is amended as follows: All after "(Lat. 36°37'15" N)" is deleted and " \* \* \* (Long. 87°24'52" W \* \* \* )" is substituted therefor.

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

Issued in East Point, Ga., on August 8, 1973.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.73-17152 Filed 8-16-73;8:45 am]

## Title 21—Food and Drugs

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

#### 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

##### SUBCHAPTER C—DRUGS

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

##### Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-491V) filed by Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206, proposing that certain finished swine feeds containing tylosin not be required to comply with the provisions of section 512(m) of the Federal Food, Drug and Cosmetic Act. The supplemental application is approved.

This order also provides for recodification of the existing regulation concerning tylosin in feeds from Part 121 into Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) in accordance with § 3.517 and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

§ 121.217 [Revoked]

§ 121.225 [Amended]

1. In Part 121, § 121.217 is revoked and in § 121.225, subdivision (a)(3)(v) and paragraph (h) are revoked.

2. Part 135e is amended by adding two new §§ 135e.10 and 135e.36 as follows:

##### § 135e.10 Tylosin.

(a) *Specifications.* Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means.

(b) *Approvals.* Premix levels of 10, 40, and 100 grams per lb. granted to 014 in § 135.501(c) of this chapter.

(c) *Assay limits.* Finished feed not less than 75 percent nor more than 125 percent of labeled amount.

(d) *Special considerations.* (1) Maximum level approved in a medicated concentrate: chickens 200 grams per ton; swine 500 grams per ton.

(2) Finished swine feeds processed from premixes containing 10 grams per pound of tylosin (as tylosin phosphate) and conforming to the requirements of paragraph (f)(1) of this section, item 4 of this section are not required to comply with the provisions of section 512 (m) of the Federal Food, Drug, and Cosmetic Act.

(e) *Related tolerances.* See § 135g.15 of this chapter.

(f) *Conditions of use.* (1) It is used as follows:



(c) Assay limits. Finished feed must contain not less than 75 percent nor more than 125 percent of tylosin and not less than 80 percent nor more than 120 percent of sulfamethazine.

(d) [Reserved]

(e) Related tolerances. See §§ 135g.15 and 135g.27.

(f) Conditions of use. It is used as follows:

Principal ingredient	Grams per ton	Limitations	Indications for use
Tylosin and sulfamethazine.	100	For swine; as tylosin phosphate, withdraw 5 days before slaughter.	Maintaining weight gains and feed efficiency in the presence of atrophic rhinitis; lowering the incidence and severity of Bordetella bronchiseptica rhinitis; prevention of swine dysentery (shredded); control of swine pneumonia caused by bacterial pathogens ( <i>P. multocida</i> and <i>C. perfringens</i> ); for reducing the incidence of cervical lymphadenitis (swill disease) caused by Group 3 <i>Streptomyces</i> spp.; for the prophylactic control of this combination in active in controlling pest diseases.

Effective date. This order shall be effective August 17, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: August 8, 1973.

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

[FR Doc. 73-17034 Filed 8-16-73; 8:45 am]

date provisions of 5 U.S.C. § 553 are not applicable.

3. Accordingly, it is ordered, Effective August 21, 1973, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, that Part 1 is amended as set forth in the appendix attached hereto.

(Secs. 4, 303, 48 Stat., as amended 1059, 1082, 47 U.S.C. 154, 303)

Adopted: August 8, 1973.

Released: August 13, 1973.

FEDERAL COMMUNICATIONS

COMMISSION.

[SEAL] VINCENT J. MULLINS,

Acting Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 1.80(g) (1) and (i) are revised to read as follows:

<sup>1</sup> Commissioners H. Rex Lee, Reid and Hooks absent.

# Title 47—Telecommunication CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-935]

## PART 1—PRACTICE AND PROCEDURE Forfeiture Checks

1. Our rules currently provide that checks submitted to us in payment of forfeiture are to be made payable to the Order of the Treasurer of the United States. The Treasury Department, however, has instructed agencies to cause remitters to inscribe checks to the Order of the specific agency and not to the Treasurer of the United States. We, therefore, herein amend our rules to substitute "Federal Communications Commission" in place of "Treasurer of the United States" as the payee set forth in §§ 1.80(g) (1), 1.80(i), 1.621(e), 1.991(b) (1) and 1.991(c) covering payment of forfeitures.

2. The amendments adopted herein are procedural in nature, and, hence, the prior notice, procedure, and effective

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Tylosin.....	4-50			For chickens; as tylosin phosphate.....	For increased rate of weight gain and improved feed efficiency.
2. Tylosin.....	3-30	Penicillin.....		For chickens; 1.2 parts of penicillin to 2.0 parts of tylosin; as tylosin phosphate and procaine penicillin.	For increased rate of weight gain and improved feed efficiency.
3. Tylosin.....	20-50			For laying chickens; as tylosin phosphate.	For improved feed efficiency.
4. Tylosin.....	10-100			For swine; as tylosin phosphate; continuous use as follows:	For increased rate of weight gain and improved feed efficiency.
				Grams per five	
				20-100.....	Prestarter or starter.
				20-40.....	Grower.
				10-20.....	Finisher.
5. Tylosin.....	10-100	Streptomycin.....		For swine in a combination containing tylosin and streptomycin in a 1 to 1 ratio; as tylosin phosphate plus streptomycin sulfate, as follows:	For increased rate of weight gain and improved feed efficiency.
				Grams per ten	
				40-100.....	Up to 40 lb. animal weight.
				20-40.....	41-100 lb. animal weight.
				10-20.....	101 lb. to market weight.
6. Tylosin.....	40-100			For swine; 10 g. per ton for at least 8 weeks followed by 40 g. per ton until market weight; as tylosin phosphate.	Prevention of swine dysentery (shredded).
7. Tylosin.....	40-100			For swine; administer in feed as tylosin phosphate after treatment with tylosin in drinking water as follows: 0.25 g. per gallon in drinking water for 3-10 days; 40-100 g. per ton in feed for 3-6 weeks.	Treatment and control of swine dysentery (shredded).
8. Tylosin.....	100			For swine; as tylosin phosphate.	Maintaining weight gains and feed efficiency in the presence of atrophic rhinitis.
9. Tylosin.....	800-1,000			For broiler chickens; as tylosin phosphate; withdraw 5 days before slaughter; administer in feed to chickens 9 to 15 days of age, follow with second administration in feed for 24-48 hours at 3 to 5 weeks of age.	To aid in the control of chronic respiratory disease caused by <i>Mycoplasma gallisepticum</i> .
10. Tylosin.....	1,000			For replacement chickens; as tylosin phosphate; withdraw 5 days before slaughter; administer in feed to chickens 6 to 8 days of age, follow with second administration in feed for 24 to 48 hours at 3 to 5 weeks of age.	To aid in the control of chronic respiratory disease caused by <i>Mycoplasma gallisepticum</i> .

(2) Tylosin may also be used with:  
(i) Zoalene as in § 121.207  
(ii) Hygromycin B as in § 121.213  
(iii) Ampicillin as in § 121.210

§ 135e.36 Tylosin and sulfamethazine.  
(a) Specifications. (1) Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means.

(2) Sulfamethazine is the chemical N'-(4,6-dimethyl-2-pyrimidinyl) sulfanilamide.  
(b) Approvals. Premix levels of 10 grams of tylosin per pound and 2.2 percent of sulfamethazine and 40 grams of tylosin per pound and 8.8 percent of sulfamethazine have been granted to Code No. 014 in § 135.501(c) of this chapter.



§ 1.80 Forfeiture proceedings (excluding those pertaining to broadcast licensees and permittees or ships and ship masters).

(g) \* \* \*

(1) *Payment of the forfeiture in the amount specified in the notice of apparent liability.* The forfeiture should be paid by check or money order drawn to the Order of the Federal Communications Commission and should be mailed to the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

(1) *Commission action after written statement or interview.* After the submission of a written statement and/or after a personal interview, as prescribed in paragraphs (g) and (h) of this section, the Commission will consider all relevant information available to it. Based on such considerations, the Commission will (1) cancel the forfeiture, or (2) offer to reduce the amount of the forfeiture, or (3) require the forfeiture to be paid in full. A notice of such Commission action, stating the amount of the forfeiture (if any), and the date by which it must be paid, will thereupon be mailed to the station licensee or radio operator involved. The forfeiture in the amount stated shall be paid by check or money order drawn to the Order of the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

§ 1.621(e) is revised to read as follows:

§ 1.621(e) Forfeiture relating to broadcast licensees and permittees.

(e) Payment of forfeitures shall be made by check or similar means drawn to the Order of the Federal Communications Commission and mailed to the Commission.

§ 1.991 (b) (1) and (c) are revised to read as follows:

§ 1.991 Forfeitures against ships and shipmasters.

(b) \* \* \*

(1) Payment of the forfeiture in the amount specified in the Notice of Apparent Liability. The forfeiture should be paid by check or money order drawn to the Order of the Federal Communications Commission and should be mailed to the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

(c) Commission action after written statement. After the submission of a written statement, as prescribed in paragraph (b) of this section, the Commission will consider all relevant information available to it. Based on such considerations, the Commission will (1) cancel the forfeiture, (2) offer to reduce the amount of the forfeiture, or (3) require the forfeiture to be paid in full. Notice of such Commission action, stating the amount of the forfeiture (if any) and the date by which it must be paid, will thereupon be mailed to the shipowner and/or the shipmaster involved. The forfeiture in the amount stated shall be paid by check or money order drawn to the Order of the Federal Communications Commission and shall be mailed to the Federal Communications Commission, Washington, D.C. 20554. The Commission does not accept responsibility for cash payments sent through the mails.

[FR Doc.73-17147 Filed 8-16-73;8:45 am]

#### PART 87—AVIATION SERVICES

##### Use of Land Mobile Frequencies on Aircraft

In the matter of amendment of Part 87 of the rules to cross-reference provisions in the Land Mobile Radio Services concerning use of Land Mobile frequencies on board aircraft.

1. On August 1, 1973, we released a Report and Order in Docket No. 19545 concerning the use of Land Mobile frequencies on board aircraft. That Report and Order amended Parts 89, 91 and 93 of the Commission's rules by including provisions specifying the conditions under which Land Mobile frequencies could be used on board aircraft. There is a need for the convenience of the public and subscribers to Part 87 of our rules, for a cross-reference in Part 87 of the rules to these new provisions in Parts 89, 91 and 93 of the rules. The attached Appendix amends Part 87 by including such a cross-reference and fulfills this need.

2. The amendment adopted herein is editorial in nature and hence the prior notice procedure and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. Authority for the promulgation of the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

3. Accordingly, Part 87 of the Commission's rules is amended as shown below, effective August 21, 1973.

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

Adopted: August 7, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,  
JOHN M. TORBET,  
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.183(bb) is added to read as follows:

§ 87.183 Frequencies available.

(bb) For frequencies in the Land Mobile Services that may under certain specific circumstances be authorized for use on board aircraft, see §§ 89.156, 91.162 and 93.164.

[FR Doc.73-17148 Filed 8-16-73;8:45 am]

#### Title 24—Housing and Urban Development

#### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

#### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-195]

##### Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether



the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Illinois	Ogle	Unincorporated areas.				August 17, 1973.
Kentucky	Fayette	Unincorporated areas.				Emerg.
Do.	do.	Lexington, City of.				Do. Emerg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 8, 1973.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc. 73-17083 Filed 8-16-73; 8:45 am]

Title 25—Indians

CHAPTER 1—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Eligibility, Appeals, Deadline for Amending Enrollment Applications

Correction

In FR Doc. 73-16380 appearing at page 21403 in the issue of Wednesday, August 8, 1973, in the signature to the document, the title of Kent Frizzell reading "Secretary of the Interior", should read "Acting Secretary of the Interior".

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-131]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Computer Performance Evaluation and ADP Simulation

This amendment codifies the regulations on ADP simulation issued in FPMR Temporary Regulations E-23 and E-24. It provides policies and procedures for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center and places restrictions on the use of simulation in the ADPE procurement process. It provides that data processing requirements shall not be described solely in terms of simulation criteria, that solicitations not require or imply use of a specific simulator and that offers not be rejected solely on the basis of simulation results. It precludes procurement of hardware and software performance monitors without the approval of the Federal Computer Performance Evaluation and Simulation Center.

The table of contents for Part 101-32 is amended to provide the following new and revised entries:

Sec.	
101-32.408-1	Restrictions on the use of simulation in the ADPE procurement process.
101-32.805	Federal Computer Performance Evaluation and Simulation Center.
<b>Subpart 101-32.14—Computer Performance Evaluation and ADP Simulation</b>	
101-32.1400	Scope of subpart.
101-32.1401	Definitions.
101-32.1402	Functions of the Federal Computer Performance Evaluation and Simulation Center.
101-32.1402-1	Services available.
101-32.1402-2	Joint Policy Committee for ADP Simulation.
101-32.1402-3	Policy for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.
101-32.1403	Procedures for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.
101-32.1404	GSA responsibilities.

Subpart 101-32.15—101-32.46 [Reserved]

Subpart 101-32.4—Procurement and Contracting

1. Section 101-32.403-1 is amended to read as follows:

§ 101-32.403-1 Automatic data processing equipment.

GSA makes selected ADPE available to agencies through requirements type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements type contracts, this source shall be used by all agencies as the primary source to satisfy needs in accordance with the provisions of such contracts. However, when such contract

provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (GSA), Washington, DC 20405. This will permit GSA to allocate the distribution of available ADPE on such contracts. Copies of the contracts (not contractors' price lists) are distributed to recipients of the schedule FSC Group 74, Part VI. Additional copies are available from GSA regional offices or from the address shown above. Except for use of GSA requirements type contracts and as indicated in § 101-32.403-4 with respect to the potential use of the ADP Fund, and except as indicated in Subpart 101.32.14 concerning the acquisition of hardware performance monitors, agencies may procure ADPE without prior GSA approval provided:

2. Section 101-32.403-2 is amended to read as follows:

§ 101-32.403-2 Software.

Except for software performance monitoring packages covered by Subpart 101-32.14, agencies may procure software for use with ADPE without prior approval of GSA when:

3. Section 101-32.408-1 is added as follows:

§ 101-32.408-1 Restrictions on the use of simulation in the ADPE procurement process.

This section sets forth restrictions on the use of computer system simulation in automatic data processing equipment (ADPE) procurement.

(a) A simulation input definition format shall not be used as the only means of describing data processing requirements in solicitation documents. Any such format shall be accompanied by a narrative description of the ADP objectives and workload and any available application logic diagrams.

(b) Solicitation documents shall not be structured in such a way as to require



offerors/bidders to use a specific computer system simulator in order to offer/bid.

(c) Generally, offers/bids shall not be considered to be nonresponsive or not acceptable solely on the basis of simulation results.

(d) Information concerning procurement policies and procedures for ADP simulation and computer performance evaluation services is in Subpart 101-32.14.

#### **Subpart 101-32.8—Federal Data Processing Centers**

Section 101-32.805 is added as follows:

#### **§ 101-32.805 Federal Computer Performance Evaluation and Simulation Center.**

Information concerning the Federal Computer Performance Evaluation and Simulation Center is contained in Subpart 101-32.14.

Subpart 101-32.14 is added as follows:

#### **Subpart 101-32.14—Computer Performance Evaluation and ADP Simulation**

##### **§ 101-32.1400 Scope of subpart.**

(a) This subpart establishes policies and procedures for obtaining the ADP simulation and computer performance evaluation services provided by the Federal Computer Performance Evaluation and Simulation Center.

(b) The provisions of this subpart apply to all Federal agencies. These provisions are not applicable to Government contractors.

##### **§ 101-32.1401 Definitions.**

(a) *Computer performance evaluation.* Computer performance evaluation is the measurement or simulation of system software and hardware performance in the normal processing environment in order to identify any possible improvements in portions of the systems software or modifications of hardware configuration.

(b) *ADP simulation.* ADP simulation is the physical or mathematical representation of all or part of a computer system (including software) used for predicting or evaluating performance.

##### **§ 101-32.1402 Functions of the Federal Computer Performance Evaluation and Simulation Center.**

The Federal Computer Performance Evaluation and Simulation Center is operated by the Department of the Air Force under a delegation of authority from the Administrator of General Services. It provides technical assistance, support, and service on a reimbursable basis throughout the Federal Government for simulation, analysis, and performance evaluation of automatic data processing systems and is the primary source of supply for these services.

##### **§ 101-32.1402-1 Services available.**

(a) Services available nationally are comprised of internal resources and contractual services for computer systems simulation and performance evaluation.

These services include simulation languages and packages for computer system simulations, software and hardware monitors for computer system performance evaluation, and special software programs designed to support computer system simulation and performance evaluation efforts, such as accounting systems analysis and workload modeling. The Center's services also include personal services such as those provided by simulation analysts. If the Center is unable to fulfill the requirement or if the requirement can be more economically fulfilled through commercial sources, the Center will authorize procurement of services through the requesting agency's applicable procurement activity.

(b) The services that the Center provides to an agency are intended to be temporary in nature and in response to specific questions or problems. A continuous simulation and performance evaluation program in support of individual user operations was not intended when the Center was established.

##### **§ 101-32.1402-2 Joint Policy Committee for ADP Simulation.**

A Joint Policy Committee for ADP Simulation has been established to provide overall policy guidance for management of the Center. Representatives from the Department of Defense, Department of the Air Force, National Bureau of Standards, and the General Services Administration are permanent members of this committee. Temporary membership is extended to agencies that are major users of the services provided by the Center. The Joint Policy Committee reviews and approves rates for services provided by the Center and approves requests for equipment or services required for operation. Disagreements arising between users and the Center which cannot be resolved are to be referred to the Joint Policy Committee for resolution.

##### **§ 101-32.1402-3 Policy for obtaining ADP simulation and computer performance evaluation and services from the Federal Computer Performance Evaluation and Simulation Center.**

(a) The Center is the primary source of supply for Federal agencies for ADP simulation and computer performance evaluation requirements, services, and products, including but not limited to computer systems simulators and hardware and software monitors. The Center provides using agencies with these ADP services at the least possible cost to the Government.

(b) The Center authorizes or issues all Government contracts for ADP simulation and performance evaluation systems.

(c) The Center authorizes or issues all Government contracts for software and hardware computer performance monitors.

(d) The Center advises whether a particular contract or ADP schedule is an appropriate source of supply or whether a new negotiated competition or

sole source procurement is necessary for services which it cannot provide.

(e) Until the Department of the Air Force informs GSA of its ability to contract on a mutually agreeable, reimbursable basis for all ADP simulation services, including hardware and software performance monitors, GSA may negotiate such contracts or ADP schedules. Any ADP simulation contracts/schedules issued by GSA will include provisions requiring that agencies contact the Center for authorization prior to ordering from these contracts/schedules.

##### **§ 101-32.1403 Procedure for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.**

(a) Agencies requiring ADP simulation, computer performance evaluation assistance, hardware performance monitors, or software performance monitoring packages may request needed services from the Center. The mailing address is: Department of the Air Force, Federal Computer Performance Evaluation and Simulation Center, Washington, DC 20330.

(b) The Center provides or authorizes the requested services by the lowest cost available alternative or combination of alternatives listed below:

(1) By providing services from its own resources on a reimbursable basis to the requesting agency;

(2) By procuring, on a reimbursable basis, the necessary support from commercial sources for the requesting agency;

(3) By authorizing the requesting agency's procurement activity to:

(i) Procure necessary support from the ADP schedule or other existing contractual instruments; or

(ii) Execute a contract for services on either a negotiated competition or sole source basis; or

(4) By recommending to GSA that GSA procure required resources or issue a delegation of procurement authority to the requesting agency where unusual legal or procurement policy issues so dictate.

(c) If no action is taken by the Center within 20 workdays after receipt of full information from an agency involving a request for services, the agency may proceed as if a delegation of authority had, in fact, been granted. (To establish a common understanding of the 20 workday period, the Center will provide written verification of the date of receipt of the request. This date is subject to written modification by the Center if after review it is found that the request does not contain the full information required, or if unusual circumstances surrounding the procurement dictate that a longer period of time is required for the Center to complete its appraisal.)

##### **§ 101-32.1404 GSA responsibilities.**

GSA will periodically reimburse the Department of the Air Force from the Automatic Data Processing Fund for its



cost applicable to the operation of the Center. GSA will bill users for services provided by the Center.

**Subpart 101-32.15—101-32.46—  
[Reserved]**

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(a))

**Effective date.** This regulation is effective on August 17, 1973.

**Dated:** August 10, 1973.

ARTHUR F. SAMPSON,  
*Administrator of General Services.*  
[FR Doc. 73-17196 Filed 8-16-73; 8:45 am]

**SUBCHAPTER G—TRANSPORTATION AND  
MOTOR VEHICLES**

[PPMR Amdt. G-25]

**PART 101-39—INTERAGENCY MOTOR  
VEHICLE POOLS**

**Miscellaneous Amendments**

This amendment provides current organizational titles, references, and addresses in certain sections of the subchapter regarding policies and procedures governing the establishment and operation of the Motor Pool Systems.

The table of contents for Part 101-39 is amended to include the following revised entries:

- Sec.  
101-39.207-1 Appeals to the Office of Management and Budget.  
101-39.207-3 Effect of the Office of Management and Budget decision.

**Subpart 101-39.2—Determinations**

Sections 101-39.204, 101-39.205, 101-39.207-1, 101-39.207.2, and 101-39.207-3 are revised to read as follows:

**§ 101-39.204 Records, facilities, personnel, and appropriations.**

Whenever a determination is made to establish a motor pool system, GSA, with the assistance of the affected agencies, will prepare and present to the Director of the Office of Management and Budget a schedule of such records, facilities, personnel, and appropriations, if any, that are proposed for transfer to the motor pool system. The Director of the Office of Management and Budget will determine the records, facilities, personnel, and appropriations, if any, to be transferred.

**§ 101-39.205 Issuance of determination.**

The Administrator of General Services will furnish a copy of each determination, with a copy of the schedule of proposed transfer of records, facilities, personnel, and appropriations, to the Director of the Office of Management and Budget, and to each agency affected.

**§ 101-39.207-1 Appeals to the Office of Management and Budget.**

Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted in writing within 45 calendar days from the date of the determination to

the Director of the Office Management and Budget, with a copy to the Administrator of General Services. Such appeals shall be accompanied by factual and objective supporting data and justification.

**§ 101-39.207-2 Notification of appeal decision.**

The Director of the Office of Management and Budget will review any determination from which an executive agency has appealed and will make a final decision on such appeal. The Director of the Office of Management and Budget will make such decisions within 75 calendar days after he receives the appeal, or as soon thereafter as practicable, on the basis of information contained in the Administrator of General Services' determination, the executive agency appeal therefrom, and any supplementary data submitted by the Administrator and the contesting agency. The Director of the Office of Management and Budget will send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

**§ 101-39.207-3 Effect of the Office of Management and Budget decision.**

The decision of the Director of the Office of Management and Budget upon each appeal, if he holds that the Administrator of General Services' determination shall apply in whole or in part to the appealing agency, will state the extent to which the determination applies and the effective date of its application. To the extent that the decision on an appeal does not uphold the Administrator's determination, such determination will be of no force and effect.

**Subpart 101-39.3—Motor Vehicle Exemptions**

Section 101-39.302(d) (3) is revised to read as follows:

**§ 101-39.302 Unlimited exemptions.**

(3) Motor vehicles regularly used by the United States Postal Service for the distribution and transportation of mail.

**Subpart 101-39.4—Establishment, Modification, and Discontinuance of Motor Pools**

Sections 101-39.403-1, 101-39.403-2(b), 101-39.404.2, 101-39.404-4(b), and 101-39.404-5 are revised to read as follows:

**§ 101-39.403-1 Provision for transfer.**

All Government-owned motor vehicles acquired by executive agencies for official purposes which are operated, stored, or garaged within the designated area of a motor pool system (except those specifically exempt by Subpart 101-39.3 of this part, or by the determination of the Administrator of General Services, or by the decision of the Director of the Office of Management and Budget), and other related equipment and supplies shall, when requested by the Administrator in accordance with a determination, be transferred to the control and responsibility of the motor pool system. Facilities, personnel, records, and appropriations, as determined by the Director of

the Office of Management and Budget pursuant to § 101-39.204, shall be included in the transfer.

**§ 101-39.403-2 Documentation of transfer.**

(b) Forward a signed copy to the appropriate regional Office of Administration, General Services Administration;

**§ 101-39.404-2 Notification of discontinuance or curtailment of service.**

The Administrator of General Services may discontinue or curtail a motor pool system when he determines that it is not the most economical method of rendering required motor vehicle service; but he will give at least 60 calendar days' notice of such intention to executive agencies affected and to the Director of the Office of Management and Budget before taking such action.

**§ 101-39.404-4 Agency requests to withdraw participation.**

(b) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request will be forwarded to the Director of the Office of Management and Budget, who will make a final and binding decision.

**§ 101-39.404-5 Transfers from discontinued or curtailed motor pool systems.**

When a motor pool system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director of the Office of Management and Budget. Reimbursement for motor vehicles and related equipment and supplies acquired by GSA through expenditure made from, and not theretofore reimbursed to the General Supply Fund, or any revolving or trust fund authorized by law, shall be made by the agency receiving the motor vehicles and related equipment and supplies by an amount equal to the fair market value, as required by law (40 U.S.C. 491(g)).

**Subpart 101-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services**

Section 110-39.602-1 is revised to read as follows:

**§ 101-39.603-1 Notification of violation.**

When a violation of the provisions of § 101-39.602 comes to the attention of the agency operating the motor pool system, such agency shall notify the official in charge of the local office of the agency concerned, and furnish a copy of the notification to the General Services Administration (FZ), Washington, DC



20406, for transmission to the headquarters office of the agency concerned.

#### Subpart 101-39.7—Care of Vehicles

Section 101-39.706 is revised to read as follows:

#### § 101-39.706 Modification or installation of accessory equipment.

The modification of an interagency motor pool vehicle or the installation of accessory equipment on such vehicle can be accomplished only when approved by the General Services Administration. The request for such modifications and installations shall be forwarded to the appropriate regional Director, Motor Equipment Division, Federal Supply Service, General Services Administration, for consideration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

**Effective date.** These regulations are effective on August 24, 1973.

Dated: August 10, 1973.

ARTHUR F. SAMPSON,  
Administrator of General Services.

[FR Doc. 73-17195 Filed 8-16-73; 8:45 am]

#### Title 43—Public Lands: Interior

#### CHAPTER II—BUREAU OF LAND MANAGEMENT

#### SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2348]

#### PART 3110—NONCOMPETITIVE LEASES

#### Subpart 3112—Simultaneous Offers

#### OFFER TO LEASE

On page 1281 of the FEDERAL REGISTER of January 11, 1973, there was published a notice and text of a proposed amendment to Subpart 3112 of Title 43, Code of Federal Regulations. The purpose of the amendment is (a) to clarify the regulation by specifying that an applicant may file only one lease application on any parcel offered under the simultaneous oil and gas leasing procedures and (b) to eliminate the requirement that advance rental must be submitted with simultaneous lease offers. Interested persons were given until May 15, 1973, to submit comments, suggestions, or objections to the proposed amendment. Fifty-eight comments were received. Most comments favored adoption of the clarifying amendment described in (a) above. Several persons did suggest that the requirement for including a \$10.00 filing fee be stated clearly in the regulation. Section 3112.2-1 (a) (1) now sets forth that requirement.

Twenty-eight persons commenting on (b) above favored elimination of the advance rental provision and thirty opposed adoption of the regulation amendment. Some of the comments offered suggestions for improving the proposed regulations. Two of those suggestions have been adopted. Seven persons suggested that at least three alternates be drawn for each offered parcel to reduce the need for a redrawing. Section 3112.2-

1(a) (3) provides for the drawing of three cards. Eighteen persons questioned the legality and wisdom of issuing a lease to a drawee in advance of receipt of the first year's rental. Section 3112.4-1 requires that the first year's rental be received in the proper office of the Bureau of Land Management within 15 days of receipt of a notice that such rental is due. Upon receipt of the rental, the lease will be issued.

Several persons questioned the savings in administrative costs which will accrue to the Government by deleting the advance rental provision. Approximately 500,000 simultaneous oil and gas lease entry cards are filed annually. The advance rental remittance is microfilmed with the entry card and retained until the drawing. Since only about one percent of the applications lead to issuance of a lease, approximately 495,000 advance rentals are returned to the applicants. This requires substantial administrative controls to strictly account for and insure safekeeping of the funds pending their return. Under the new system, it will be necessary to return only the card. A redesign of the entry card to allow return of a portion of the card without the use of an envelope is being considered. Many objections to the proposal to delete the advance rental requirement stated that it will encourage uninformed applicants and speculators. That assertion can be tested only in actual practice.

The proposed amendment of January 11, 1973, did not address § 3112.5-3 dealing with the return of advance rental payments to unsuccessful applicants. That action required by paragraph (a) of the section will no longer be applicable. Paragraph (b) of § 3112.5-3 states "unsuccessful drawees will be notified accordingly by the return of their respective entry cards." This provision is retained and incorporated into § 3112.2-1. The entire § 3112.5-3 is deleted from the regulations.

The proposed amendment is hereby adopted with the changes described above, and is set forth below. This amendment shall become effective September 17, 1973.

Subpart 3112 of Chapter II is amended as follows:

1. Subparagraphs (1), (2), (3) of paragraph (a) of § 3112.2-1 are revised and a subparagraph 4 is added to read as follows:

#### § 3112.2-1 Offer to lease.

(a) \*\*\*

(1) The entry card must be accompanied by a remittance covering the filing fee of \$10. The filing fee may be paid in cash or by money order, bank draft, bank cashier's check or check.

(2) Only one complete leasing unit, identified by parcel number, may be included in one entry card. Lands not on the posted list may not be included. An offeror (applicant) is permitted to file only one offer to lease (entry card) for each numbered parcel on the posted list. Submission of more than one entry card by or on behalf of the offeror for any

parcel on the posted list will result in the disqualification of all the offers submitted by that applicant for that particular parcel.

(3) Three entry cards will be drawn for each numbered leasing unit, and the order in which they are drawn will fix the order in which the successful drawee will be determined. Where less than three entry cards have been filed, all cards will be drawn to determine priority.

(4) Unsuccessful drawees will be notified by the return of their respective entry cards.

2. Section 3112.4-1 is revised to read as follows:

#### § 3112.4-1 Rental payment.

A lease will be issued to the first drawee qualified to receive a lease upon payment of the first year's rental. Rental must be received in the proper office of the Bureau of Land Management within fifteen (15) days from the date of receipt of notice that such payment is due. The drawee failing to submit the rental payment within the time allowed will be automatically disqualified to receive the lease, and consideration will be given to the entry of the drawee having the next highest priority in the drawing.

3. Section 3112.5-1 is revised as follows:

#### § 3112.5-1 Unqualified offeror.

If the successful drawees for a particular leasing unit are unqualified to receive the lease for any reason, including timely payment of the first year's rental, the lands in the numbered leasing unit shall be included in a subsequent list of lands available for filing under the simultaneous drawing procedure.

#### § 3112.5-3 [Deleted]

4. Section 3112.5-3 is deleted.

JACK O. HORTON,  
Assistant Secretary of the Interior.

AUGUST 15, 1973.

[FR Doc. 73-17305 Filed 8-16-73; 8:45 am]

#### Title 45—Public Welfare

#### SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

#### PART 5—AVAILABILITY OF INFORMATION TO THE PUBLIC

#### Miscellaneous Amendments

On March 30, the Department published a notice of proposed rulemaking proposing to amend 45 CFR Part 5 governing the release of records of the Department pursuant to the Freedom of Information Act. Comments were received from six persons or organizations.

One commentator objected to the regulation in general, stating that the Act speaks for itself and that "extensive effort at clarification and elaboration in the regulations causes confusion rather than clarity." We do not agree with this comment. The purpose of this Regulation is to provide clearer guidance to



Department employees and to those outside the Department concerning which records, as a matter of policy, will be released to the public. To the extent that a category is listed in the Regulation as generally non-releasable, Department employees are advised that the record should be examined to determine whether a discretionary release should be made. Such releases are encouraged as a matter of policy.

Several persons commented on the fee schedule. Notwithstanding the fact that the proposed \$0.10 per page was a reduction in price from the \$0.25 per page fee in effect since 1967, some felt that \$0.10 a page for photo-copying was excessive and served to deter the release of information. The search charge has not been changed from the \$3.00 an hour established in 1967, notwithstanding the fact that the cost of salaries has risen considerably since that time. None of the comments gave any relevant cost factors but merely stated that the government could obtain photo copies for less than \$0.10 a page. These statements may be taking into account only the factors of paper and use of machines and may not take into consideration such factors as costs of salary, cost of fee collection, postage, and other indirect costs which the Office of Management and Budget in Circular A-25 provides should be taken into account. We, therefore, make no change in the fee schedule other than to provide that where records are not susceptible to photo-copying but must be reproduced by some other means, the charge to be fixed will be the actual cost as determined on a case-by-case basis.

Comments were received from persons having business with the Food and Drug Administration indicating a preference for the procedure proposed by the Food and Drug Administration to deal with trade secrets and other commercial and financial information. The Food and Drug Administration would permit those submitting information to identify the material it considers confidential and to intervene when the agency disagrees with the claim of confidentiality and proposes release of the records. It is not deemed practicable to institute such procedures on a Department-wide basis and to the extent that such persons deal with the Food and Drug Administration that procedure will be applicable to materials submitted to it.

Medicare fiscal intermediaries perform federal functions under Title 18 of the Social Security Act. By amendment, § 5.3 now defines "operating agency" to identify Social Security Administration, including Medicare fiscal intermediaries, as such an operating agency for purposes of the regulation.

Some confusion has apparently arisen as to the rules governing situations in which a document falls into more than one category. The purpose of the new format of the proposed regulation was to classify records by the various activities carried out by the Department rather than to tie types of records to particular exemptions under the Act, in order to provide more practical guidance to both

employees and requestors. Nonetheless, it is obvious that any document may fall into more than one classification. Thus, correspondence from persons outside the Department which would normally be available under § 5.72(a) may in fact contain information of a commercial or financial nature which will not be available under § 5.71. Likewise, reports prepared by federal employees relating to internal management are not generally available because they will be intraagency or interagency communications. However, to the extent that such reports would contain non-factual information, such information will be excised and the document released to the requestor. These situations do not, in our view, impair the practical utility of the classification scheme.

With respect to a document which contains both information which is disclosable and information which is not disclosable, the proposed regulation at § 5.70 appeared to be ambiguous and has been amended to make clear that the non-disclosable information will be deleted and the balance of the record will be disclosed. Disclosure will be made whether or not the balance of the record is intelligible.

Section 5.51(c) is also changed to indicate that requests for information should be answered as soon as possible but in no event more than 10 working days from the date of receipt. Several comments suggested that, in keeping with the original proposal to set a time limit on initial requests, a time limit should also be within which appeals must be answered. The regulation now imposes a 20-day time limit for response to an appeal.

One request for a hearing was received. No hearing is required to be held under the Freedom of Information Act or the Administrative Procedure Act. Public participation has been invited by the notice of proposed rule-making. Inasmuch as the regulation constitutes a statement of Departmental policy no purpose would be served by the holding of a public hearing. The request for a hearing is therefore denied.

The regulation will be effective August 17, 1973.

Dated: August 14, 1973.

CASPAR W. WEINBERGER,  
Secretary.

1. Section 5.3 is revised to read as follows:

§ 5.3 Operating agency.

As used in this part, "operating agency" means the constituent operating agencies of the Department, i.e., the Center for Disease Control, the Health Resources Administration, the Health Services Administration, the National Institutes of Health, the Food and Drug Administration, the Office of Education, the National Institute of Education, the Social Security Administration (including intermediaries and carriers performing functions under their agreement entered into pursuant to section 1816 and 1842 of Social Security Act), and the

Social and Rehabilitation Service. The Office of the Assistant Secretary for Health and the five health agencies, the Center for Disease Control, the Health Resources Administration, the Health Services Administration, the National Institutes of Health, and the Food and Drug Administration constitute the Public Health Service.

2. Section 5.4 is revised to read as follows:

§ 5.4 Heads of Office of Secretary and operating agencies.

The heads of the Office of the Secretary, the Public Health Service, and the operating agencies are as follows:

Office of the Secretary—Secretary of Health, Education, and Welfare.  
Public Health Service—Assistant Secretary for Health.  
Food and Drug Administration—Commissioner of Food and Drugs.  
Center for Disease Control—Director, Center for Disease Control.  
Health Resources Administration—Administrator, Health Resources Administration.  
Health Services Administration—Administrator, Health Services Administration.  
National Institutes of Health—Director, National Institutes of Health.  
Office of Education—Commissioner of Education.  
National Institute of Education—Director, National Institute of Education.  
Social Security Administration—Commissioner of Social Security.  
Social and Rehabilitation Service—Administrator, Social and Rehabilitation Service.

3. Section 5.11 is revised to read as follows:

§ 5.11 Purpose and scope.

This part constitutes the regulation of the Department respecting the availability to the public, pursuant to the Act, of records of the Department. It informs the public what records are generally available and where and how they may be obtained. To the extent that they are not inconsistent with this regulation, it does not revoke, modify, or supersede the following regulations of the Public Health Service, of the operating agencies, or of subsidiaries of operating agencies:

Public Health Service—42 CFR Part 1.  
Food and Drug Administration—21 CFR Parts 1, 2, 4, 8, 121, 130, 135, 146, and 191 (see Notice of Proposed Rulemaking 37 FR 9128 May 5, 1972).  
Saint Elizabeths Hospital, NIH, PHS—42 CFR Part 300.  
Social Security Administration—20 CFR Part 401 and Part 422, Subpart E.

4. Section 5.31 is amended to read as follows:

§ 5.31 Information centers or facilities.

(b) \* \* \*  
\* \* \*  
Region III—P.O. Box 13716, Philadelphia, PA 19101.

\* \* \*  
Region X—Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

(c) Centers are maintained for the Office of the Secretary and the operating agencies, or subsidiaries thereof, at the following locations:



Office of the Secretary.....	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Food and Drug Administration.....	Federal Building No. 8, 200 C Street SW., Washington, DC 20204.
National Institutes of Health.....	Building No. 1, 9000 Rockville Pike, Bethesda, MD 20014.
Center for Disease Control.....	Center for Disease Control, Atlanta, Georgia 30333.
Health Resources Administration.....	Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.
Health Services Administration.....	Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.
Office of Education.....	Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, DC 20202.
Social Security Administration.....	Altmeier Building, 6401 Security Boulevard, Baltimore, MD 21235.
Social and Rehabilitation Service.....	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Saint Elizabeths Hospital, National Institute of Mental Health, Public Health Service.	Administration Building, St. Elizabeths Hospital, Martin Luther King, Jr. Avenue SE., Washington, DC 20032.
National Institute of Education.....	Room 628, 300 7th St., SW., Washington, DC. [Mail inquiries to NIE should be addressed to Office of Public Information, National Institute of Education, Code 600, Washington, D.C. 20202]

5. Section 5.32(c) is revised to read as to workers; inspection, etc. (3)

#### § 5.32 Information center officers.

(c) The information center officer for each of the operating agency information

centers shall have, concurrently with other duly authorized officers, a like responsibility for the records of his operating agency. The information center officer for the respective operating agencies shall be as follows:

Health Services Administration Center for Disease Control, Health Resources Administration, and National Institutes of Health.	Director of Public Services, Department Information Center Officer.
Food and Drug Administration.....	Assistant Commissioner for Public Affairs.
Office of Education.....	Assistant Commissioner for Public Affairs.
Social Security Administration.....	Assistant Commissioner for Public Affairs.
Social and Rehabilitation Service.....	Assistant Administrator for Public Affairs.
National Institute of Education.....	Assistant to the Director for Public Information.

6. Section 5.51(c) is revised to read as follows:

#### § 5.51 Procedure.

(c) A request should identify the requested record by brief description, containing the name, number, or date as applicable, sufficient to enable the record to be identified and located. It is the policy of the Department that requests be answered as soon as possible but in no event more than 10 working days from date of receipt; however, a reasonable time should be allowed for records to be located, evaluated, reproduced, and mailed. If the action cannot be completed within 10 days, a letter will be sent to the requester explaining the reasons for the delay.

7. Section 5.61 is revised to read as follows:

#### § 5.61 Fee schedules.

The fee schedule for Office of the Secretary is as follows:

1. Search for records—\$3 per hour; provided however that no charge will be made for the first one-half hour.
2. Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be made where the total amount does not exceed 50 cents and

provided further that where records are not susceptible to photo-copying, e.g. punch cards or magnetic tapes, the amount charged will be actual cost, as determined on a case-by-case basis.

3. Certification or authentication of records—\$3 per certification or authentication.

4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Fee schedules for operating agencies may be found in the applicable agency regulations; see § 5.11.

8. Subpart F—Exemptions, is deleted and the following new Subpart F—Availability of Specific Records, is substituted in lieu thereof:

#### Subpart F—Availability of Specific Records

Sec.

5.70 Policy.

5.71 Protection of personal privacy and proprietary information.

5.72 Records available.

5.73 Records not available.

5.74 Further disclosure by agency head.

#### Subpart F—Availability of Specific Records

##### § 5.70 Policy.

This subpart specifies the types of records which the Department shall, in keeping with its policy of fullest possible disclosure, make available for inspection and copying. For clarity and purposes of

guidance, there are also set forth below the kinds or portions of records which generally will not be released, except as may be determined under § 5.74. The appendix to this part contains some examples of the kinds of materials which, in accordance with § 5.72, will generally be released and other materials which, in accordance with § 5.73, are not normally available. Regulations of the operating agencies (see § 5.11) may provide for disclosure of records beyond that provided for in § 5.72.

In the event that any record contains both information which is disclosable and that which is not disclosable under this regulation, the nondisclosable information will be deleted and the balance of the record disclosed.

#### § 5.71 Protection of personal privacy and proprietary information.

As set forth with more particularity below, certain types of information in whatever record or document contained shall not be disclosed where disclosure would be inconsistent with individual rights of personal privacy or would violate obligations of confidentiality.

(a) Except to the extent specifically otherwise provided by regulations of operating agencies, no disclosure will be made of information of a personal and private nature, such as information in personnel and medical files, in welfare and social security records and any other information of a private and personal nature.

(b) Except to the extent specifically otherwise provided by regulations of operating agencies, information having a commercial, financial, or professional value and in which the person providing the information has a proprietary interest will not be disclosed if it is in fact confidential. In determining whether such information is in fact confidential, consideration may be given to such factors as (1) the general custom or usage in the occupation or business to which the information relates that it be held confidential, (2) the number and situation of the individuals who have access to such information, (3) the type and degree of risk of financial injury to be expected if disclosure occurs, and (4) the length of time such information should be regarded as retaining the characteristics noted above.

(c) Information obtained by the Department from any individual or organization, who furnishes it in reliance upon a provision for confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality by any officer or employee of the Department.

This section does not preclude use of nondisclosable records or information from such records for authorized program purposes, including law enforcement purposes and litigation. Release of information of the nature described in this section to the individual or the organization to whom the information pertains or to an authorized representative



of either will not be deemed a disclosure within the meaning of this part.

**§ 5.72 Records available.**

The following records of the Department shall, subject to the exceptions set forth in §§ 5.71 and 5.73, be available upon request for inspection and copying.

(a) *Correspondence.* Correspondence between the Department or any official of the Department and individuals or organizations outside the executive branch of the Federal Government relating to or resulting from the conduct of the official business of the Department.

(b) *Records pertaining to grants.* (1) Portions of funded grant applications and other supporting documents submitted by applicants which are not excepted from disclosure by this subpart.

(2) Grant award documents.

(3) All State plans, amendments, and supplements thereto, including applications for the waiver of any provision thereof whether acted upon by the Department or not.

(c) *Contracts.* (1) Contract instruments.

(2) Portions of offers reflecting final prices submitted in negotiated procurements.

(d) *Reports on grantee, contractor, or provider performance.* Final reports of audits, surveys, reviews, or evaluations by, for, or on behalf of the Department, of performance by any grantee, contractor, or provider under any departmentally financed or supported program or activity, which reports have been transmitted to the grantee, contractor, or provider. However, such reports will be available only after 14 days (or after 30 days in the case of reports subject to the provisions of 20 CFR 401 and 422) have elapsed following transmittal of the report to the grantee, contractor, or provider.

(e) *Research, development, and demonstration project records.* The final report of a grantee or a contractor of the performance under any research, development, or demonstration project. Records, other than reports, produced in such projects, such as films, computer software, other copyrightable materials and reports of inventions, will be available, except that considerations relating to obtaining copyright and patent protection may require delay in disclosure for such period as necessary to accomplish such protection. Disclosure of records which are copyrightable or which reflect patentable inventions shall not confer upon the requester any license under any copyright or patent without regard to the holder or owner thereof.

**§ 5.73 Records not available.**

The following types of records or information contained in any record, in addition to those prohibited by law from disclosure are not available for inspection or copying, any provision of § 5.72 notwithstanding:

(a) *Intra-agency and inter-agency communications.* Communications within the Department, other than those described in § 5.72(d) or between the Department or any official of the Department and any other agency, department, or official of the executive branch of the Federal Government, to the extent they reflect the views or judgment of the writer or of other individuals. If disclosure of any factual portion of the communication would indicate the views or judgment being withheld from disclosure, then such factual portions will also be withheld.

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

(2) Investigatory files compiled for law enforcement purposes in cases that have been closed, to the extent that disclosure of such files would:

(i) Identify informants;

(ii) Name or otherwise identify, or make available statements with respect to, persons referred to in such file, so as unjustly to defame, embarrass, or prejudice such persons or their successors, affiliates, families, or descendants in their professional, commercial, occupational, community, or personal activities, or otherwise result in a clearly unwarranted invasion of personal privacy;

(iii) Release trade secrets, commercial or financial information, personnel files or medical files; or

(iv) Reveal policy recommendations, or other expression of views or opinions.

**§ 5.74 Further disclosure by agency head.**

(a) The head of any operating agency, or the Assistant Secretary for Administration and Management with respect to documents in the possession of the Office of the Secretary, or the Assistant Secre-

tary for Health with respect to documents of the Public Health Service, or their designees may in particular instances except where prohibited by law, disclose documents or portions of documents described in § 5.73 if he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

(b) In making such a determination, consideration may be given to the Department's responsibilities under law for dissemination to the public of information relating to public health, safety of products or services, education, and welfare.

(c) When such determination has been made, the particular document or portion of document to which it relates shall thereafter be available upon request for inspection and copying: *Provided however,* That use of nondiscloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation is not a disclosure within the meaning of this section.

**Subpart G—Administrative Review**

Section 5.82 is revised to read as follows:

**§ 5.82 By whom review is made.**

(a) Request for review shall be addressed to the Assistant Secretary for Administration and Management, or his designee, with respect to records of the Office of the Secretary, to the Assistant Secretary for Health, or his designee, with respect to the records of the Public Health Service, and to the head of the operating agency, or his designee, with respect to the records of the other operating agencies.

(b) The decision on review if adverse to the requester, shall be made only with the concurrence of the Assistant Secretary for Public Affairs, or his designee.

Section 5.85(a) is revised to read as follows:

**§ 5.85 Decisions on review.**

(a) Decisions on review shall be in writing within 20 days from receipt of the request for review. If the decision is in favor of the requester, the decision shall order records made available to the requester as provided in the decision.

**APPENDIX**

The following are some examples of specific records (or specific information relating to personnel, programs, or activities of this Department) listed according to whether or not they are available upon request for inspection and copying.

**GRANTS**

**Generally Available<sup>1</sup>**

Name of grantee, date, subject matter, and amount of grant.  
Face sheet of funded grant application.

**Generally not Available<sup>1</sup>**

Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature.

<sup>1</sup> Since there may be unforeseen variations in the contents of documents in the examples given, or in the circumstances pertinent to the Government's activities concerning matters relating to such documents, these examples do not apply in each and every instance, and they do not override provisions of the regulation that may be applicable in a given case.



## APPENDIX—Continued

## GRANTS—continued

Final report of grantee.....	Confidential financial information of grantee.
Records of any funded grant other than research grants.	Raw research data and interim reports on research prior to submission of the final report.
Final report of any review or evaluation of grantee performance conducted or caused to be conducted by the Department.	Research or research training grant application on which award is not made.
Application for demonstration, experimental, or pilot project under section 1115 of the Social Security Act.	
State plan material.	

## CONTRACTS

Name of contractor, subject matter, date, and amount of contract.	Trade secrets.
Contract performance review report.	Confidential pricing data contained in contract proposal if in the Department's judgment it is properly so designated by the offeror.
Deficiency report.....	Proprietary technical data contained in a contract proposal if in the Department's judgment it is properly so designated by offeror.
Report on performance of providers of medicare services.	Confidential financial information of contractor.
Final Report.	Draft of proposed final report submitted for comment prior to acceptance.
	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.
	Proposals on which no award is made.

## ADVISORY COMMITTEES

Name of committee.....	Minutes or transcripts of committee meetings or portions thereof which are involved with matters exempt from mandatory disclosure under Freedom of Information Act.
Final report.	
Minutes or transcripts of meetings open to the public and not involved with matters exempt from mandatory disclosure under Freedom of Information Act.	

## PERSONNEL INFORMATION

Name of employee, title of position, and location of regular duty station.	Home addresses of employees.
Grade, position description, and salary of public employees.	

## AFFIRMATIVE ACTION PLAN FILED PURSUANT TO EXECUTIVE ORDER 11246

Approved action plan, including analysis, proposed remedial or affirmative steps to be taken with goals and timetables, policies on recruitment, hiring, and promotion, and description of grievance procedures.

## MISCELLANEOUS

Names of individual beneficiaries of departmental programs or a list of the benefits they receive if release would be an unwarranted invasion of privacy.  
Earnings records, claims file, and other personal information maintained by or for the Social Security Administration.  
Office for Civil Rights investigatory files in open cases.

[FR Doc. 73-17170 Filed 8-16-73; 8:45 am]

## Title 50—Wildlife and Fisheries

## CHAPTER 1—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

## PART 32—HUNTING

## Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on August 17, 1973. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

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

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

## ALASKA

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

## ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

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

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

## ARCTIC NATIONAL WILDLIFE RANGE

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

## CLARENCE RHODE NATIONAL WILDLIFE RANGE

Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

## IZEMBEK NATIONAL WILDLIFE RANGE

Izembek National Wildlife Range, Pouch #2, Cold Bay, Alaska 99571.

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

## KENAI NATIONAL MOOSE RANGE

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

*Special conditions.* Parts of the Kenai National Moose Range are closed to the operation of aircraft and motor boats. These regulations and maps are available at the Refuge office, Kenai, Alaska, and from the Alaska Area office, Bureau of Sport Fisheries and Wildlife, 813 "D" Street, Anchorage, Alaska.

## KODIAK NATIONAL WILDLIFE REFUGE

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.



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

Nunivak National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

GORDON W. WATSON,  
*Area Director, Bureau of Sport  
Fisheries and Wildlife, An-  
chorage, Alaska.*

JULY 31, 1973.

[FR Doc.78-17161 Filed 8-16-73; 8:45 am]

### PART 32—HUNTING

#### Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on August 17, 1973.

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

#### OKLAHOMA

##### WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1973, through February 1, 1974, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1973, through February 1, 1974, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Tuesdays, Thursdays, Saturdays, and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or long bows and arrows are legal weapons for the taking of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through February 1, 1974.

ROBERT H. STRATTON, Jr.,  
*Refuge Manager, Washita Na-  
tional Wildlife Refuge, Butler,  
Oklahoma.*

AUGUST 1, 1973.

[FR Doc.73-17158 Filed 8-16-73; 8:45 am]

### PART 32—HUNTING

#### Arctic National Wildlife Range, Alaska

The following regulations are issued and are effective on August 17, 1973.

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

#### ALASKA

##### ARCTIC NATIONAL WILDLIFE RANGE

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

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

#### ALASKA

##### ARCTIC NATIONAL WILDLIFE RANGE

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

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

DAVID L. SPENCER,  
*Area Refuge Supervisor, Bu-  
reau of Sport Fisheries and  
Wildlife, Anchorage, Alaska.*

AUGUST 7, 1973.

[FR Doc.73-17162 Filed 8-16-73; 8:45 am]

### PART 32—HUNTING

#### Kodiak National Wildlife Refuge, Alaska

The following regulations are issued and are effective August 17, 1973.

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

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

#### ALASKA

##### KODIAK NATIONAL WILDLIFE REFUGE

Upland game may be hunted on the following refuge:

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

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

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

#### ALASKA

##### KODIAK NATIONAL WILDLIFE REFUGE

Big game may be hunted on the following refuge:

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

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

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

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

GERRY ATWELL,  
*Refuge Manager, Kodiak Na-  
tional Wildlife Refuge, Ko-  
diak, Alaska.*

JULY 25, 1973.

[FR Doc.73-17159 Filed 8-16-73; 8:45 am]

### PART 32—HUNTING

#### Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on August 17, 1973.

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

#### WISCONSIN

##### NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer and unprotected mammal species as listed in the 1973 Wisconsin Big Game hunting regulations on the Necedah National Wildlife Refuge, Wisconsin is permitted with bow and arrow from September 15 through November 11, 1973 and December 1 through December 31, 1973 and with firearms from November 17 through November 25, 1973, but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 39,000 acres are delineated on a map available at the refuge headquarters, Necedah, Wisconsin and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

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



and are effective through December 31, 1973.

GERALD H. UPDIKE,  
Refuge Manager, Necedah Na-  
tional Wildlife Refuge, Necedah,  
Wisconsin 54646.

AUGUST 10, 1973.

[FR Doc.73-17157 Filed 8-16-73; 8:45 am]

### PART 33—SPORT FISHING

#### Certain Wildlife Refuges and Ranges in Alaska

The following special regulations are issued and are effective August 17, 1973.

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

*General Conditions:* Fishing shall be in accordance with all applicable State regulations.

#### ALASKA

##### ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

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

##### ARCTIC NATIONAL WILDLIFE RANGE

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

##### BERING SEA NATIONAL WILDLIFE REFUGE

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

##### CLARENCE RHODE NATIONAL WILDLIFE RANGE

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

##### IZEMBEK NATIONAL WILDLIFE RANGE

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

##### KENAI NATIONAL MOOSE RANGE

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

##### KODIAK NATIONAL WILDLIFE REFUGE

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

##### NUNIVAK NATIONAL WILDLIFE REFUGE

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

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 31, 1974.

DAVID L. SPENCER,  
Area Refuge Supervisor, Bureau  
of Sport Fisheries and Wild-  
life, Anchorage, Alaska.

JULY 31, 1973.

[FR Doc.73-17160 Filed 8-16-73; 8:45 am]



# Proposed Rules

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 rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[ 32A CFR Chapter X ]

[Oil Import Reg. 1 (Rev. 5)]

### NEW, EXPANDED OR REACTIVATED "PETROCHEMICAL CAPACITY"

#### Proposed Allocations of Imports of Crude Oil and Unfinished Oils—Districts I-IV, District V and Puerto Rico

On December 2, 1972, there was published in the FEDERAL REGISTER (37 FR 25722) a proposal for allocations of crude oil and unfinished oils to refiners and petrochemical plants based upon estimated inputs.

By Presidential Proclamation 4210 of April 18, 1973, volumetric quotas established under the Mandatory Oil Import Program were eliminated and provision was made, notwithstanding the levels established in section 2(a) of the Proclamation, that the Secretary of the Interior may make allocations to which license fees shall not be applicable to new, expanded, or reactivated refinery capacity and petrochemical plants for a period of five years from the date such facility comes onstream not to exceed 75 percent of estimated refinery inputs or the percentage of petrochemical plant inputs applicable.

After careful consideration of comments received in response to the December 2, 1972, proposed rulemaking and based on Proclamation 3279, as amended by Proclamation 4210, rulemaking for refiners was implemented by publication in the Federal Register on July 24 of a revised section 25 as part of Amendment 59 to Oil Import Regulation 1 (Revision 5), as amended.

To implement Proclamation 3279, as amended, as it applies to petrochemical plants, consideration is being given to adding a new section 25A to the Regulation. It is believed that the proposed new section will provide for equity of allocations among petrochemical producers, and be simpler to administer than alternatives considered. Allocations to heavy liquids plants (section 9B of the Regulation) are scheduled to begin on July 1, 1974. Such allocations are within the levels established by section 2(a) of Proclamation 3279, as amended, and will be reduced by a fraction of the original level each year until such allocations reach zero by April 30, 1980.

The proposed section would remove the volumetric limits, 4 million barrels for petrochemical capacity, on the quantity of inputs that any company could claim as a basis for an allocation based on

estimated inputs and includes Puerto Rico as well as Districts I-IV and District V. The proposal provides for petrochemical capacity coming onstream after September 30 of the allocation period for which the allocation is requested. The requirement that a plant be in operation at least 60 days before an import license is issued is removed and in its place provision is made for an on-the-spot evaluation by the Office of Oil and Gas approximately 60 days before start-up.

The new section provides for calculating inputs on the basis of the pounds of qualified carbon and hydrogen content of the petrochemicals produced, dividing the quantity so determined by 250 to convert to barrels and multiplying the quotient by 75 percent to determine the allocation of imports of crude oil which a person will receive. For purposes of the new section, petrochemicals are defined and each new expanded or reactivated petrochemical capacity is treated as a separate entity for a total of sixty months.

Final action upon the proposed amendment is subject to the concurrence of the Chairman of the Oil Policy Committee.

Interested persons are invited to submit written comments on the proposed new section 25A on or before September 11, 1973, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to provide fifteen (15) copies.

DUKE R. LIGON,  
Director.

AUGUST 14, 1973.

**Section 25A. Allocations of crude oil and unfinished oils—Districts I-IV, District V, and Puerto Rico—new, expanded or reactivated "petrochemical capacity" based upon estimated and actual inputs.**

(a) (1) The Director may make allocations of imports of crude oil and unfinished oils with respect to new, expanded or reactivated "petrochemical capacity" as provided in this section.

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The application shall disclose in detail such information as the Director may require, including—

- (i) The nature of the facility.
- (ii) The location of the facility.
- (iii) The petrochemicals and the pounds of each petrochemical produced or to be produced.
- (iv) The pounds of carbon and hydrogen in the petrochemicals produced

from qualified "petrochemical capacity" inputs.

- (v) The capital outlay involved.
  - (vi) The identification of each feedstock and the source thereof.
  - (vii) The date that the facility went onstream or is scheduled to go onstream.
- (b) For purposes of this section "petrochemical capacity" means a facility or plant complex:

(1) Which includes equipment for converting hydrocarbons to petrochemicals by chemical reaction.

(2) Which manufactures for plant use or sale one or more separate and distinct petrochemicals by chemical conversion of each separate "petrochemical capacity input" feedstock stream which is claimed by an applicant as a basis for obtaining an allocation.

(c) For purposes of this section "petrochemical capacity inputs" means feedstocks charged to a "petrochemical capacity."

(1) And include only:

- (i) Crude oil.
- (ii) Unfinished oils (except those unfinished oils specifically excluded in subparagraph (2) of this paragraph) produced in Districts I-IV and District V and Puerto Rico and unfinished oils imported pursuant to an allocation;

(2) But do not include:

- (i) Unfinished oils which are produced in a "petrochemical capacity" or petrochemical plant in the manufacture of petrochemicals and subsequently charged to a unit which is part of the same "petrochemical capacity" or petrochemical plant in which they were produced or to any other "petrochemical capacity" or petrochemical plant which is owned or controlled by the same person who claims the initial "petrochemical capacity inputs" or petrochemical plant inputs from which the unfinished oils are derived.

(ii) Unfinished oils which are obtained by transactions such as sales, purchases, or exchanges which are designed to avoid the exclusion specified in subdivision (1) of this subparagraph (2) and.

(iii) Benzene which met the ASTM standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene which had a purity of 95 percent or more by weight but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

(d) For purposes of this section each item on the schedule in paragraph (k) of section 9B of this regulation with the exception of changes in the "condition" of several items listed and additions made, as noted below, is a petrochemical



if, and only if, it conforms to any notation opposite the item in column 2 and to the condition specified opposite the item in column 3. The "conditions" amended and additions made to the schedule in paragraph (k) of section 9B are as follows:

D—ASTM nitration grade  
E—Petrochemical must be recovered in a state of 95 percent purity or more

Petrochemical	Limitations	Conditions
Benzene		D
Cumene		E
Ethylbenzene		E
Isoprene		E
Meta-Xylene		E
Ortho-Xylene		E
Para-Xylene		E

(e) (1) Each increment of new, expanded or reactivated "petrochemical capacity" will be treated as a separate entity under this paragraph (e) for a total of sixty months.

(2) If the new, expanded or reactivated "petrochemical capacity" is scheduled to come onstream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), calculated as in paragraph (f) (1) of this section, which it is estimated will be made to such capacity during that allocation period. In the event the new, expanded or reactivated "petrochemical capacity" comes onstream after September 30 of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to subparagraph (3), (4), or (5) of this paragraph for the succeeding allocation periods.

(3) If the new, expanded or reactivated "petrochemical capacity" has come onstream during the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be computed on the basis of the sum (divided by 365) of (i) the "petrochemical capacity inputs" calculated as in paragraph (f) (1) of this section, actually made to the new, expanded or reactivated "petrochemical capacity" during the first nine months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs, calculated as in paragraph (f) (1) of this section which it is estimated will be made to such capacity during the next number of months which, when combined with the months in clause (i), will constitute a period of twelve months.

(4) If the new, expanded or reactivated "petrochemical capacity" has been onstream for at least one year as of September 30, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on

actual inputs (divided by 365), calculated as in paragraph (f) (1) of this section, to the facility during the preceding twelve months ending September 30; *Provided*, That, the facility will not have been onstream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated "petrochemical capacity" has not been onstream for a period of sixty months after earning an allocation under subparagraph (4) of this paragraph (e), an allocation will be made for the next allocation year based on actual in-

Total weight in pounds of actual and estimated carbon and hydrogen from qualified "petrochemical capacity inputs" contained in petrochemicals produced during any allocation period

250

Qualified inputs for the allocation period in barrels

(2) The allocation shall be computed at seventy-five percent of the qualified inputs, calculated as in paragraph (f) (1) of this section, to such facilities as determined in subparagraphs (e) (2), (e) (3), (e) (4) or (e) (5) of this section 25A.

(3) For purposes of this section, where a person produced a petrochemical from a combination of inputs which qualify, under paragraph (c) of this section and inputs which do not so qualify, the hydrogen and carbon content of the produced petrochemical shall be deemed to have been derived entirely from the qualified inputs to the full extent of such qualified inputs except that such hydrogen and carbon shall not be deemed to have been derived from a qualified input from which the carbon and hydrogen could not actually have been derived.

(g) (1) If an allocation based in whole or in part on estimated inputs, calculated as in paragraph (f) (1) of this section, is made to an applicant pursuant to this section, the actual inputs calculated as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the calculated estimated inputs and actual inputs made during the period for which inputs were estimated.

(2) If the calculated estimated inputs upon which an allocation is based exceed the calculated actual inputs made by more than ten percent of the calculated estimated inputs, then, in addition to the adjustment downward provided by subparagraph (1) of this paragraph, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the calculated actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the calculated estimated inputs exceeded the calculated actual inputs by more than ten percent. However, to the extent that an applicant

puts (divided by 365), calculated as in paragraph (f) (1) of this section, for the year ending September 30 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the previous allocation years, will constitute a period of sixty months. The facility will, for this number of days, earn an allocation under this section 25A.

(f) (1) The Director shall issue allocations with respect to new, expanded or reactivated "petrochemical capacity" based on inputs which will be calculated in the following manner:

demonstrates to the satisfaction of the Director that the excess of calculated estimated inputs over calculated actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control, the Director may waive the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated "petrochemical capacity" fails to come onstream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Director that a substantial effort was made to complete and to start up such facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control.

(3) (i) Any person who has been granted an allocation for a new expanded or reactivated "petrochemical capacity" in Districts I-IV, District V or Puerto Rico may avoid the penalty prescribed in subparagraph (2) by returning on or before September 30 of the period for which the allocation was granted such a license or licenses for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 9.

(ii) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before September 30 of the allocation period for which the allocation and license were granted.

(4) Further adjustments will be made in addition to those described in subdivisions (i) and (ii) above. If the person has any other like "petrochemical capacity" or petrochemical plant and reductions are made in the inputs for this other capacity during the allocation periods as a result of the new, expanded or



reactivated facility; in such a case, in determining inputs for the next allocation period, the inputs credit for the new facility application will be lowered by the amount that inputs were reduced in the applicant's other existing facilities in the year ending September 30 of the prior allocation period.

(5) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated "petrochemical capacity" has been conducted by compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide "petrochemical capacity" as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within sixty days from the date of such determination be ready for start-up and trials.

(h) No license issued for allocations made under this section may be sold, assigned, or otherwise transferred.

(i) (1) As used in this section 25A, "expanded petrochemical capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of existing "petrochemical capacity" or petrochemical plant as have resulted in an increased processing capability of not less than fifteen percent in the particular "petrochemical capacity" or petrochemical plant under consideration over the petrochemical plant capacity or "petrochemical capacity" existing in that particular facility during the preceding twelve months.

(2) As used in this section 25A, "reactivated petrochemical capacity" means restoration to operation of "petrochemical capacity" which had been shut down for not less than twelve months immediately preceding its reactivation.

(j) An allocation made pursuant to this section shall entitle a person to a license or licenses which will allow the importation of unfinished oils in an amount not exceeding, in the aggregate 15% of the person's allocation.

(k) The hydrocarbon content of materials upon which an allocation under section 9 or section 9B of this regulation is based will not qualify as a basis for an allocation under this section.

(l) An applicant may not receive an allocation under this section 25A for new, expanded or reactivated "petrochemical capacity" for which inputs have been included in applications filed pursuant to section 9.

(m) Persons wishing to qualify for an allocation under this section 25A for the 1973 allocation period must file an application within thirty (30) days after publication of this section 25A in the Federal Register.

(n) A person who imports crude oil or unfinished oils under an allocation made under this section may exchange

his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils for domestic unfinished oils or for domestic crude oil. All such exchanges shall be governed by the provisions of subparagraphs (2), (3), (4), (5) and (6) of paragraph (b) of section 17 of this regulation.

[FR Doc.73-17280 Filed 8-15-73;2:21 pm]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [7 CFR Part 29]

#### TOBACCO

#### Designation of Auction Markets

Notice is hereby given that the Department proposes to amend Title 7, Part 29—Tobacco Inspection, by revising Subpart B, § 29.73 (7 CFR Part 29) to set forth the conditions under which the designation of a tobacco auction market will terminate. Notice is also given of proposed termination of the designation of certain auction markets which have ceased to function as such.

*Statement of considerations.* The Tobacco Inspection Act (7 U.S.C. 511) authorizes the Secretary of Agriculture to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefore, moves in commerce. After designation, inspection becomes mandatory at all auction sales conducted on such markets, and official inspection service is provided thereat free of charge. Regulations governing such designations are issued pursuant to the authority of section 14 of the Act (7 U.S.C. 511m), and are published at 7 CFR Part 29. The proposed amendment of said regulations would provide for automatic termination of such designation after a market has ceased operations.

There are presently seven designated markets which have been closed or otherwise inactive for periods ranging from 2 to 33 years. These markets are as follows:

Market	Date designated	Years Inactive
Rocky Mount, Va.	June 26, 1942 (7 FR 4511)....	9
Westmoreland, Tenn.	October 9, 1941 (6 FR 5147)....	9
Bedford, Va.	June 18, 1936 (1 FR 757)....	16
Scottsville, Ky.	June 21, 1950 (15 FR 4072)....	17
Camp Taylor, Ky.	October 25, 1941 (6 FR 5478)....	22
Paris, Tenn.	November 7, 1939 (4 FR 4857)....	27
Drakes Branch, Va.	June 18, 1936 (1 FR 757)....	33

In view of the long periods in which no sales have taken place at these seven locations, it must be concluded that there exists no economic demand for such services at these locations. The Department believes that the designation of these markets no longer carries any significance and therefore proposes to terminate the designation of each of these markets in order to remove any uncer-

tainty regarding their status. These markets would be considered as "new markets" on any future request for services and could qualify for designation upon the basis of a need for services established at a hearing held in accordance with Subpart A, (7 CFR 29.1 through 29.3)

Recognition should be given to the fact that markets are not permanent, and may close due to a variety of economic factors, such as a change in the marketing activities of growers or in transportation facilities. In order to provide for such occurrences in the future, the Department proposes to revise the regulations to provide that the designation of a tobacco auction market shall terminate automatically by operation of law after the market has remained closed for two consecutive marketing seasons. It is unnecessary to provide for a hearing to determine the fact of closure of a market since the Department has particular knowledge of this fact, inasmuch as no lawful auction can be held without the services of official tobacco inspectors. Therefore it is proposed to amend 7 CFR Part 29, by revising § 29.73 as follows:

#### § 29.73 Designation of Markets; Termination of Designation.

An auction market where tobacco bought or sold thereon at auction or the products customarily manufactured therefrom move in commerce may be designated under the Act by the Secretary after the Director has advised the Secretary that two-thirds of the growers voting in the referendum held in accordance with § 29.74 favored the designation of such market. When a market is designated by the Secretary, he shall give public notice of the fact and in such public notice he shall specify the date on which the requirement of inspection and certification of tobacco sold at auction on such market shall become effective. The Director may temporarily suspend the requirement of inspection and certification on a designated market when it is found impracticable to provide such services because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service. A designation shall terminate automatically at the end of any two consecutive marketing seasons during which a designated market does not conduct any sales of tobacco at auction. A market whose designation is terminated under this section shall be considered as a new market, as defined in § 29.1, and any future application for services shall be filed and determined in accordance with the provisions of §§ 29.3 and 29.2.

All interested persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision may file the same in four copies with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, on or before September 17, 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)).

Done at Washington, D.C., this 9th day of August, 1973.

CLAYTON YEUTTER,  
Acting Secretary.

[FR Doc.73-17141 Filed 8-16-73;8:45 am]

#### [7 CFR Part 928]

### HANDLING OF PAPAYAS GROWN IN HAWAII

#### Notice of Proposed Rule Making

This notice invites written comment relative to proposed continuance after September 9, 1973 of the requirement effective under the Marketing Agreement and Order No. 928 that papayas handled to destinations within the production area (Hawaii) shall grade at least Hawaii No. 1 grade. Unless so amended the minimum grade would revert to Hawaii No. 2 grade on September 10, 1973.

The proposal was submitted by the Papaya Administrative Committee, established pursuant to the said Marketing Agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee, in proposing such continuance, reported that ample supplies of papayas of Hawaii No. 1 and higher grades would be available to meet consumer demand.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 28, 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)).

Continuance would be effected by amending paragraph (a) (1) of § 928.303 (Papaya Regulation 3; 37 FR 28410; 38 FR 2959, 21269) to read as follows:

#### § 928.303 Papaya Regulation 3.

(a) During the period September 10, 1973 through December 31, 1973, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

Dated: August 14, 1973.

D. S. KURYLOSKI,  
Acting Deputy Director, Fruit  
and Vegetable Division, Agri-  
cultural Marketing Service.

[FR Doc.73-17185 Filed 8-16-73;8:45 am]

#### [7 CFR Part 959]

[Docket No. AO 322-A3]

### ONIONS GROWN IN SOUTH TEXAS

#### Recommended Decision and Opportunity To File Exceptions

This document recommends adoption of an amendment to allow expenditures of marketing order funds for production research.

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given to the filing with the Hearing Clerk of this recommended decision with respect to the proposed further amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in South Texas, hereinafter referred to collectively as the "order". The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington DC 20250, not later than the close of business on September 10, 1973. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

**Preliminary statement.** The public hearing, on the record of which the recommended amendment of the order was formulated, was held in McAllen, Texas on July 10, 1973, pursuant to a notice thereof which was published in the FEDERAL REGISTER on June 8, 1973 (38 FR 15080). The notice contained a proposed amendment to the order which had been submitted to the Secretary of Agriculture with a request for a hearing thereon by the South Texas Onion Committee, the administrative agency established pursuant to the order.

**Material issue.** The material issue presented on the record of the hearing was the amendment of § 959.48 *Research and development*, to authorize production research.

**Findings and conclusions.** The following findings and conclusions on the material issue are based on the evidence presented at the hearing and the record thereof:

The order presently contains authority for committee expenditures on marketing research and development projects. Production research was not previously permitted by the Agricultural Marketing Agreement Act of 1937 until its amendment on June 25, 1970 (Public Law 91-292) to permit the conduct of production research under marketing orders through the use of funds furnished by the program. South Texas Onion growers have requested that the order be amended to include the authority for committee expenditures for production research to broaden the possibilities for research

beneficial to the South Texas onion industry and its customers.

Successful marketing of high quality onions is the result of a complex inter-related production and marketing system. A fundamental requirement for successful, orderly marketing is the availability of good quality onions. The best grading, packing, transportation and wholesaling and retailing equipment and practices cannot improve the quality of a poor onion. All production steps from the selection of the seed and fields for planting through preparation for market are given careful consideration by the prudent grower who desires to grow good quality onions at the lowest possible cost.

Onions grown in South Texas during the winter and early spring are much more perishable than the storage type onions grown in other production areas during the summer and fall. Solutions for many of the problems affecting the quality, appearance, and shelf-life of onions are to be found in the use of better varieties, effective disease and insect control, better and more efficient soil preparation, cultivating and harvesting practices. These production problems span the whole operation from planting through harvest and preparation for market. The efficient production of a sustained supply of high quality onions requires a high degree of knowledge and proficiency on the part of onion producers. The record shows that production research now being done by private and public agencies is not adequate and the urgency for authorizing another source of funding research is emphasized by recent reductions and continuing limitations in funds, personnel, and facilities available to the Texas Agricultural Experiment Station and U.S. Department of Agricultural research agencies for South Texas onion production research.

Foremost among production problems is the need for a breeding program to develop improved varieties of so-called short-day onions, which are those onions grown during the winter and spring months.

Improved varieties are needed to:

- (a) Increase yields per acre to reduce per unit production costs;
- (b) Extend the harvesting season through mid-summer instead of ending in mid-May to spread out the marketing season and effect more orderly marketing;
- (c) Permit long distance shipments and short-term storage to enable exports to distant foreign markets and even flow to market;
- (d) Encourage greater acceptance by processors, such as freezers and dehydrators, who prefer a denser onion than is currently produced;
- (e) Permit the use of labor saving techniques or procedures such as precision seeding and cultivation, and mechanical harvesting and handling;
- (f) Increase resistance to diseases, insects and post-harvest deterioration, to reduce losses and increase retail shelf-life, and
- (g) Reduce the incidence of seed stems to improve yields of salable onions.



Research is needed to control such diseases and decay organisms as pink root, purple blotch, fusarium bulb rot, Botrytis, Downy mildew and tip blight.

Other research is needed to reduce the amount of fungicides and other chemical materials used to control diseases and to develop improved weed control, irrigation techniques, and equipment. Engineering research is needed to develop improved mechanical equipment for production, harvesting, and handling operations.

As technological improvements occur, research will be needed to adapt these improvements for use by the onion industry. For example, computer technology might be adopted for use in scheduling and decision making for production operations. It is impossible to foresee all the needs at this time. Therefore, the authority of the committee to establish production research projects should not be limited to the problems mentioned above but should be sufficiently flexible, to the extent permitted under the Act, to facilitate timely development of production research programs suitable to problems that arise.

If a committee determines that production research projects should be undertaken, it should submit each project to the Secretary for approval. The committee should fully consider the cost of any such activities when developing its budget, both as to additional items of expenses and the applicable assessment rate. Committee expenditures for the costs of planning such research should be authorized on the basis of budgetary approval since planning and project development necessarily precede project recommendation to the Secretary for his approval.

In formulating production research projects the committee should be authorized to secure the advice and service of knowledgeable persons. The committee should be authorized to establish one or more subcommittees to assist it in the efficient and expeditious planning of production research projects or programs. An appropriate subcommittee could explore research methods, develop preliminary projects and programs, and make recommendations with respect to any such activities. Such subcommittee could also perform evaluations of activities at any stage of completion. The subcommittee should be prepared to give guidance and counsel to researchers working on approved projects and should have the authority to make necessary changes on such projects as long as the changes are within the overall project and guidelines already approved. Any change which would require greater expenditures than those approved would necessitate committee and Departmental approval, as would major changes which would deviate from the objectives and guidelines which had been established by the committee.

For any production research projects, the committee should be authorized to perform the projects itself or to contract for the conduct of such projects with a

person or agency which specializes in this field of activity.

In submitting projects to the Secretary for his approval, the committee should include recommendations as to the funds to be obtained from assessments under the order and contributions and its appraisal of the relative urgency of individual projects whenever several possibilities are involved. The committee should review its production research program annually to appraise its effectiveness. Copies of the annual report on the program should be provided to the Secretary and made available at the committee office for examination by producers, handlers, and other interested persons. In view of the foregoing, it is concluded that the order should be amended to authorize production research.

*Rulings on proposed findings and conclusions.* July 30, 1973 was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearings and on findings and conclusions which should be drawn therefrom. No brief was filed.

*General findings.* Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The amended marketing agreement and order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer;

(2) The amended marketing agreement and order, as hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The amended marketing agreement and order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The amended marketing agreement and order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Recommended further amendment of the marketing agreement and order.* The

following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

Section 959.48 *Research and development* is amended to read as follows:

#### § 959.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to § 959.42.

Copies of the notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be inspected there.

Signed at Washington, D.C., on this 14th day of August, 1973.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.73-17186 Filed 8-16-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

#### Name and Specification Change for Extracted Deglanded Cottonseed Flour

Acting on a petition submitted by U.S. Department of Agriculture, Agricultural Research Service, Southern Utilization Research and Development Division (presently Southern Marketing and Nutrition Research Division), 1100 Robert E. Lee Blvd., New Orleans, LA 70179, and by Dorr-Oliver, Inc., 77 Havemeyer Lane, Stamford, CT 06904, an order was published in the FEDERAL REGISTER of July 13, 1972 (37 FR 13713), amending § 121.1019 of the food additive regulations (21 CFR 121.1019) to provide for the safe use in food of a modified cottonseed product designated as "extracted, deglanded cottonseed flour." The petition concerned a product derived from decorticated, ground cottonseed kernels in a process that utilizes n-hexane as an extracting solvent which results in an end product containing less than 1 percent fat.

The Commissioner of Food and Drugs has considered a petition (FAP 3A2912) submitted by Grain Processing Corporation, P.O. Box 341, Muscatine, IA 52761, proposing that § 121.1019 be amended to change the name of the modified cottonseed product from "extracted, deglanded cottonseed flour" to "defatted cottonseed flour," essentially on the basis that the present designation is neither descriptive of the additive nor would such a lengthy name be suitable on the label



of manufactured foods containing the additive.

On the basis of the submitted information, and other relevant material, the Commissioner concludes that the simplified name "defatted cottonseed flour" should be adopted but that the additive should be further defined as containing less than 1 percent fat. The proposed name adequately describes the additive which is a dry, finely ground product with virtually all fat removed in the processing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.1019 be amended by revising paragraphs (a) (2) and (c) to read as follows:

**§ 121.1019 Modified cottonseed products intended for human consumption.**

(a) \*

(2) Decorticated, ground cottonseed kernels, in a process that utilizes *n*-hexane as an extracting solvent in such a way that no more than 60 parts per million of *n*-hexane residues and less than 1 percent fat by weight remain in the finished product.

(c) To assure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the act, the name of the additive as follows:

(1) The additive identified in paragraph (a) (1) of this section as "partially defatted, cooked cottonseed flour."

(2) The additive identified in paragraph (a) (2) of this section as "defatted cottonseed flour."

Interested persons may, on or before October 16, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 13, 1973.

**SAM D. FINE,**  
Associate Commissioner  
for Compliance.

[FR Doc. 73-17154 Filed 8-16-73; 8:45 am]

**Office of the Secretary**

[ 42 CFR Part 81 ]

**CAPITAL EXPENDITURES**

**Proposed Limitation on Federal Participation**

**Correction**

In FR Doc. 73-15674 appearing at page 20994 in the issue of Friday, August 3, 1973, the material in parenthesis in the 21st line of § 81.106 (a) (4) should read

"(which election shall constitute a determination by such agency that such expenditure is in conformity with such standards, criteria, and plans)".

**Social and Rehabilitation Service**

[ 45 CFR Part 250 ]

**CONTRACTS FOR MANAGEMENT CONSULTING SERVICES**

**Notice of Proposed Rule Making**

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations prescribe conditions for State contracts for management consulting services in a medical assistance program under title XIX of the Social Security Act, providing for prior approval of these contracts by the Social and Rehabilitation Service before they qualify for Federal financial participation. They supersede requirements in Handbook of Public Assistance Administration, Part V-4650.2, in respect to the medical assistance program, and are being issued to clarify conditions under which State agencies may request Federal financial participation in expenditures under such contracts. These regulations will permit better control of costs and better utilization of the products received.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, on or before Sept. 17, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.)

Dated: June 14, 1973.

**FRANCIS D. DEGEORGE,**  
Acting Administrator, Social and  
Rehabilitation Service.

Approved: July 10, 1973.

**CASPAR W. WEINBERGER,**  
Secretary.

A new § 250.51 is added to Part 250, Chapter II, Title 45 of the Code of Federal Regulations, to read as follows:

**§ 250.51 Contracts for management consulting services; conditions for Federal financial participation.**

(a) *Conditions for claiming Federal financial participation.* (1) Federal financial participation is available in amounts paid under contracts made by State and local medical assistance agencies for management consulting services (as defined in paragraph (d) of this section) which have received prior approval of the Social and Rehabilitation Service.

Contracts that have not received prior approval are not eligible for such Federal financial participation (except as provided in paragraph (a) (3) of this section). Contracts where the total value is less than \$25,000 are exempt from the requirement for prior approval but must be submitted for approval prior to the end of the quarter for which Federal financial participation will be claimed for expenditures made thereunder. Incremental contracts (contracts for parts of jobs or splitting up a single job among several contracts) developed in order to qualify for the exemption from prior approval will not be eligible for Federal financial participation.

(2) A request for prior approval of a proposed contract should be submitted to the Regional Commissioner at least three months prior to the effective date of the contract to allow sufficient time for adequate review.

(3) Failure of the Service to act on a request for approval of a proposed contract for management consulting services with 90 days of receipt of such request will be considered to waive the requirement for prior approval of the request. Before the State may claim Federal financial participation in these circumstances, it must first take all reasonable and prudent steps to insure that its request has been received by the Service.

(b) *Information required.* Prior to the use of a contract for \$25,000 or more for management consulting services, the single State agency must submit to the appropriate regional office of the Service a justification of the need for the proposed contract in terms of efficiency, economy and more effective administration of the State's medical assistance program in accordance with program regulation guides issued by the Service.

(c) *Assurances.* The State agency shall include a statement of the following assurances for each contract:

(1) A copy of the final report will be delivered to the Service.

(2) All interim reports, data collection forms, questionnaires, and other working papers that support the final report, including those that show the assumptions, criteria and product, will be made available on request to the Service for a period of three years after completion of the contract. This includes such materials prepared by both the prime contractor and subcontractors, if any.

(d) *Definition.* Management consulting services include any examination, survey, study, review, analysis, evaluation, or other type of advice or assistance for the purpose of installation of a system or procedure, improvement or assessment of effectiveness, efficiency or economy of the organization, management systems, processes, performance standards, methods, procedures, space or equipment layout or program operations of the single State agency. Such services do not include the design, development or installation of automatic data processing or information storage and retrieval systems.

[FR Doc. 73-16913 Filed 8-16-73; 8:45 am]



# DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-WA-20]

## ADDITIONAL CONTROL AREA

### Proposed Designation

#### Correction

In FR Doc. 73-15639, appearing at page 20348 in the issue of Tuesday, July 31, 1973, in the third column on page 20349 under the heading "Boundaries," in the third line, the reference to "Long. 68°-57'00'" should read "Long. 68°00'00".

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-EA-67]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Newark, N.J., control zone (38 FR 405).

New NDB and ILS instrument approach procedures prescribed for Newark International Airport and a review of the terminal airspace requirements for the Newark, N.J. terminal area indicates that alteration of the control zone is required to provide controlled airspace in consonance with Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before Sept. 17, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Newark, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting

the description of the Newark, N.J., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°-41'40" N., 74°10'02" W., of Newark International Airport, Newark, N.J., extending clockwise from a 030° bearing to a 263° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 263° bearing to a 342° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 342° bearing to a 030° bearing from the airport; within 2 miles each side of the Newark International Airport Runway 4L ILS localizer course, extending from the 5-mile radius to 2.5 miles northeast of the Chelsea OM and within 3 miles each side of the Kennedy VORTAC 283° radial extending from 22 miles to 29 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on August 2, 1973.

L. J. CARDINALI,

Acting Director, Eastern Region.

[FR Doc. 73-17133 Filed 8-16-73; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-SW-52]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Del Rio, Tex., terminal 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, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 17, 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, Texas. 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.

1. In § 71.171 (38 FR 351), the Del Rio, Tex., control zone is amended to read:

DEL RIO, TEX.

Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.); within 2 miles each side of the Laughlin VOR 297° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR; within 3 miles each side of the Laughlin TACAN 315° radial extending from the 5-mile radius zone to 14 miles northwest of the TACAN; within 3 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR, and within 3 miles each side of the Laughlin VOR 147° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (38 FR 435), the Del Rio, Tex., transition area is amended to read:

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., and within 4.5 miles west and 9.5 miles east of the Laughlin VOR 147° radial extending from the 12-mile radius area to 22 miles southeast of the VOR and within 9.5 miles east of the Laughlin VOR 330° radial extending from the 12-mile radius area to 18 miles northwest of the VOR, excluding the portion outside the United States.

The proposed amendments to controlled airspace will provide controlled airspace for aircraft executing current and proposed instrument approach and departure procedures and will conform the airspace to the current criteria.

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

Issued in Fort Worth, TX., on August 7, 1973.

HENRY L. NEWMAN,

Director, Southwest Region.

[FR Doc. 73-17132 Filed 8-16-73; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-WA-10]

## MINNEAPOLIS, MINNESOTA

### Proposed Terminal Control Area

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Minneapolis, Minnesota. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular 91-30, Terminal Control Areas (TCAs), dated June 11, 1970.

Interested persons may participate in the proposed rule making by submitting



## PROPOSED RULES

such written data, views or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before October 16, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69-41 and is not within the scope of this Notice. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Minneapolis, Minn.

On June 15, 1973, the FAA held an FAA/Industry meeting in Minneapolis to consider user operational requirements. The proposal contained herein was presented at the meeting and was acceptable to those in attendance.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

#### MINNEAPOLIS, MINN., TERMINAL CONTROL AREA

Primary Airport, Minneapolis-St. Paul International Airport (Lat. 44°53'03"N., Long. 93°12'54"W.)

Minneapolis-St. Paul Distance Measuring Equipment (DME) Antenna (Lat. 44°52'28"N., Long. 93°12'21"W.)

#### BOUNDARIES

1. *Area A.*—That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of Minneapolis-St. Paul International Airport DME antenna.

2. *Area B.*—That airspace extending upward from 2300 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Area A previously described.

3. *Area C.*—That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 12-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A and B previously described.

4. *Area D.*—That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of Minneapolis-St. Paul International Airport DME antenna excluding Areas A, B, and C previously described.

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

Issued in Washington, D.C., on August 10, 1973.

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

[FR Doc.73-17131 Filed 8-16-73; 8:45 am]

#### Federal Highway Administration

[49 CFR Parts 390, 391, 392, 393, 394, 395, 396, 397]

[Docket No. MC-50; Notice No. 73-20]

#### LIGHTWEIGHT VEHICLE EXEMPTION

##### Notice of Public Hearings

In an advance notice of proposed rule making, Docket No. MC-50, published in the FEDERAL REGISTER on July 23, 1973 (38 FR 19692), the Director, Bureau of Motor Carrier Safety advised that he is in receipt of petitions seeking an exemption for certain lightweight vehicles from the accident-reporting requirements in the Motor Carrier Safety Regulations, and a separate petition for a total exemption from the regulations for the operations of all vehicles with a gross vehicle weight rating of 10,000 pounds and under. The notice invited comments on the subjects of the petitions and announced that public hearings on those subjects would be held in Washington, D.C.; San Francisco, California; and Kansas City, Missouri.

The purpose of this notice is to announce that the exact date, time, and location of the hearings is as follows:

Location	Time and Date
Dept. of Transportation— Nassif Building, 400 7th Street, SW Room 2230 Washington, D.C. 20590	Sept. 18, 1973 9 a.m.
Federal Building— 450 Golden Gate Avenue Room 13450 San Francisco, Calif. 94102	Oct. 10, 1973 9 a.m.
Federal Office Building— 601 E. 12th Street Room 140 Kansas City, Mo. 64108	Nov. 1, 1973 9 a.m.

Any person who wishes to present a written statement at the hearings should provide three copies of such statement for the Bureau of Motor Carrier Safety. Any person who wishes to make an oral statement at the hearings should notify the Director of the Bureau of Motor Carrier Safety, Washington, D.C. 20590, at least ten days prior to the date of the hearing at which he wishes to testify, stating the amount of time required for his initial statement.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act, effective January 5, 1973.

Issued on August 14, 1973.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc.73-17163 Filed 8-16-73; 8:45 am]

#### FEDERAL MARITIME COMMISSION

[46 CFR Parts 531, 536]

[Dockets Nos. 73-39, 73-40]

#### COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE AND FOREIGN COMMERCE OF THE UNITED STATES

##### Filing of Tariffs; Notice of Revised Procedure

Hearing Counsel have moved to postpone indefinitely filing dates in this proceeding pending discussions with industry representatives. Good cause appearing.

It is ordered, That filing dates in this proceeding are postponed until further notice; and

It is further ordered, That Hearing Counsel shall report to the Commission within 60 days of service of this notice as to the status of the discussion.

By the Commission.

[SEAL]

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-17179 Filed 8-16-73; 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 THE TREASURY

### Office of the Secretary

[Treasury Department Order 189, Rev. 2, Supplement 1]

### DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

#### Delegation of Authority

I hereby delegate to the Director of the Office of Equal Opportunity Program the authority to make decisions and dispositions on complaints of discrimination, acceptance of affirmative action plans by Treasury components, and determinations of the compliance posture of contractors. This authority may not be redelegated by the Director.

This order supplements Treasury Department Order No. 189 (Revision 2) of August 5, 1973 (38 FR 21947, August 14, 1973).

Dated: August 13, 1973.

[SEAL] WARREN F. BRECHT,  
Assistant Secretary  
for Administration.

[FR Doc.73-17173 Filed 8-16-73; 8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### ADVANCED LOGISTICS SYSTEM PROJECT ADVISORY COMMITTEE

#### Notice of Meeting

AUGUST 15, 1973.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advanced Logistics System (ALS) Project Advisory Committee, September 5-6, 1973, beginning at 8 a.m., September 5, 1973, in the Spur Room, Building 1676, Kelly Air Force Base, Texas (San Antonio Air Materiel Area—Air Force Logistics Command).

Because of the proprietary nature of data to be considered by the Project Advisory Committee, this meeting will be closed to the public in accordance with the provisions set forth in section 552 (b) (4) of title 5, United States Code, and section 10(d) of Public Law 92-463.

For additional information on this meeting, telephone 513-257-7134 or write Directorate of Data Automation, Headquarters Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio.

JAMES A. BAILEY,  
Major General, USAF, Deputy  
Chief of Staff/Comptroller,  
Air Force Logistics Command.

[FR Doc.73-17134 Filed 8-16-73; 8:45 am]

### Office of the Secretary

### DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

#### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held on:

Monday, August 20, 1973  
Tuesday, September 18, 1973.  
Wednesday, September 19, 1973

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, Office of  
the Assistant Secretary of  
Defense (Comptroller).

AUGUST 14, 1973.

[FR Doc.73-17169 Filed 8-16-73; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[R 4330]

### CALIFORNIA

### Classification of Public Land for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, the national resource lands described below are hereby classified for disposal by private exchange under the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g) for lands within the Riverside District.

#### SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 4 W.,  
sec. 6, all  
sec. 7, all  
sec. 10, NW¼NE¼, NW¼  
sec. 18, all  
sec. 19, lot 1 of NW¼, W½NE¼  
T. 9 N., R. 4 W.,  
sec. 31, all  
T. 8 N., R. 5 W.,  
sec. 2, all  
sec. 3, all  
sec. 10, all  
sec. 11, all  
sec. 12, all

The area described aggregates 6224.38 acres in San Bernardino County.

The notice of proposed classification was published on May 22, 1973 (38 FR 13587). The description of lands in that notice is modified to include Lot 1 of NW¼ and W½NE¼, Sec. 19, T. 8 N., R. 4 W., S.B.M. in this classification.

One protest was filed by a grazing lessee and two other protests were filed in his behalf during the period allowed in the notice of proposed classification. However, the protests relate to lands under lease in another area and have no bearing on the lands in the exchange classification. The lessee does have another grazing lease of which 1,280 acres are involved in the classification. This acreage represents only 3.5 percent of the total area under lease and disposition of the land will not significantly affect his grazing operations. The grazing use will be terminated with respect to the lands involved in the exchange classification upon transfer out of Federal ownership.

In accordance with the regulations in 43 CFR 2202.5, filing of a valid formal exchange application will segregate lands from appropriation under the public land laws, including the mining laws.

This classification shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purpose of administrative review. Interested parties may submit comments, suggestions or objections to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 on or before September 20, 1973.

J. R. PENNY,  
State Director.

[FR Doc. 73-17156 Filed 8-16-73; 8:45 am]

### Office of Hearings and Appeals

[Docket No. M 74-11]

### A. & W. AUGER CORP.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), A. & W. Auger Corporation, located at Wartburg, Tennessee, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, Auger.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, petitioner states that the addition of berms or guardrails would make it impossible to maintain proper drainage and would hamper snow removal. The road would ice over during winter months and the grader now used for maintenance could no longer be used. Petitioner also states



that additional man-hours and equipment would be needed for road maintenance which would result in an increased accident potential during snow and ice conditions. The installation of guardrails would not be effective because they would have to be built on fill material.

As an alternative method petitioner wishes to continue maintaining its roads by its currently existing methods. Petitioner states that by using its current methods of maintenance, its roads, are as safe as possible.

Petitioner contends that the application of the mandatory standard will result in a diminution of safety to miners in the affected area. Petitioner contends that berms and guardrails would create a drainage hazard by creating improper drainage which would cause washouts and hazardous conditions in wet weather. The road is too narrow to build berms, therefore, solid rock would have to be blasted, resulting in a highwall which would be a new hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 17, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

AUGUST 1, 1973.

[FR Doc.73-17164 Filed 8-16-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### SALMON RIVER-ROARING RIVER LAND USE PLAN, MT. HOOD NATIONAL FOREST

##### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Salmon River-Roaring River Land Use Plan, Mt. Hood National Forest, Oregon USDA-FS-DES-Adm 73-82.

The environmental statement concerns a proposed plan for the management of 81,700 acres in the Mt. Hood National Forest, including portions of two inventoried roadless areas. The proposal allocates land use and establishes management direction for eight subunits which are identified as being suitable for multiple-use, back country, landscape management zones or special interest areas.

This draft environmental statement was filed with CEQ 7-3-73.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service  
South Agriculture Bldg., Room 3230  
12th St. & Independence Ave., S.W.  
Washington, D.C. 20250

USDA Forest Service  
Pacific Northwest Region  
319 S.W. Pine Street  
Portland, Oregon 97208

USDA Forest Service  
Mt. Hood National Forest  
340 N.E. 122nd Avenue  
Portland, Oregon 97216

A limited number of single copies are available upon request to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, P.O. Box 16040, Portland, Oregon 97216.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and 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 for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, P.O. Box 16040, Portland, Oregon 97216. Comments must be received by November 1, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,  
Deputy Chief, Forest Service.

AUGUST 13, 1973.

[FR Doc.73-17187 Filed 8-16-73;8:45 am]

### Office of the Secretary

#### NATIONAL RICE ADVISORY COMMITTEE

##### Notice of Reestablishment

Notice is hereby given that the Secretary of Agriculture has reestablished the National Rice Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for rice, production adjustment, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that reestablishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Operations, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Public Law 92-463.

JOSEPH R. WRIGHT, Jr.,  
Assistant Secretary  
for Administration.

AUGUST 14, 1973.

[FR Doc.73-17188 Filed 8-16-73;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

#### COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

##### Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet August 30, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Report on the work program.
4. Discussion of other necessary work assignments.
5. Executive Session:  
Discussion of, and progress report on, the work program:  
a. Foreign availability  
b. Performance characteristics  
c. Safeguards
6. Adjournment.

The Computer Systems Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to Section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed



to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 15, 1973.

STEVEN LAZARUS,  
Deputy Assistant Secretary for  
East-West Trade, U.S. Department of Commerce.

[FR Doc.73-17258 Filed 8-16-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### Griffith Laboratories, Inc., et al. Bread Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued jointly to The Griffith Laboratories, Inc., 1415 West 37th St., Chicago, IL 60609; American Bakeries Co., 10 Riverside Plaza, Chicago, IL 60606; The Creamo Bakers, Inc., 1910 Lincolnway West, South Bend, IN 46628; Bunny Bread Company, Inc., 5646 Lewis Rd., New Orleans, LA 70126, and Roskam Baking Company, Inc., 1140 Butterworth Avenue, SW., Grand Rapids, MI 49504.

This permit covers limited interstate market tests of bread, enriched bread, milk bread, raisin bread, and whole wheat bread, including the corresponding rolls and buns, that deviate from the respective standards of identity (§§ 17.1, 17.2, 17.3, 17.4, and 17.5) in that they contain added: (a) hydrolyzed wheat gluten in a quantity not to exceed 0.3 part for each 100 parts by weight of flour used, and (b) sodium acetate, sodium butyrate, sodium isobutyrate, sodium valerate, sodium isovalerate, and sodium hexanoate, alone or in any combination, in a total quantity not to exceed 0.006 part for each 100 parts by weight of flour used.

The principal display panel of the label on each container will bear a statement listing those ingredients itemized in (a) and (b) above which are added to the food. The statement will appear immediately following the name of the food except that other required information may intervene.

This permit will expire one year after the food is first introduced or delivered for introduction into interstate commerce or on the date when an amendment to the identity standard for bread (21 CFR 17.1) permitting the use of the specified ingredients becomes effective, whichever is sooner.

Dated: August 10, 1973.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.73-17155 Filed 8-16-73;8:45 am]

### Office of Education

#### NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

##### Cancellation of Meeting

Notice is hereby given that the meeting of the National Advisory Council on Extension and Continuing Education which was scheduled to be held on August 20-21, 1973, in Braintree, Massachusetts has been cancelled. An announcement of the next meeting of the Council will be made as soon as a date is selected.

EDWARD A. KIELOCK,  
Executive Director.

AUGUST 13, 1973.

[FR Doc.73-17166 Filed 8-16-73;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-73-187; OILSR 0-0486-60-17]

#### ST. HUBERT 226

##### Order of Suspension

Notice is hereby given that on June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of proceedings and opportunity for hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's statement of record (38 FR 16264). The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706 (d) and 24 CFR 1710.45(b) (1), the order of suspension is being issued as follows:

##### ORDER OF SUSPENSION

1. Overseas Investors and Developers Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq) and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its statement of record covering its subdivision located in Canada, (OILSR No. 0-0486-60-17), which became effective September 15, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b) (1), if it appears to the Interstate Land Sales Administrator at any time that a statement of record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and af-

ter an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the statement of record.

4. A notice of proceedings and opportunity for hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified statement of record (38 FR 16264). The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said notice of proceedings and opportunity for hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b) (1), the statement of record filed by the Developer covering its subdivision is hereby suspended, effective as of August 17, 1973. This order of suspension shall remain in full force and effect until the statement of record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this order of suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., Aug. 13, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,  
Interstate Land Sales  
Administrator.

JOHN R. McDOWELL,  
Interstate Land Sales  
Deputy Administrator.

[FR Doc.73-17144 Filed 8-16-73;8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

### COMMONWEALTH EDISON CO.

#### Notice of Consideration of Conversion of Provisional Operating License to Full- Term Operating License and of Oppor- tunity for Hearing

The Atomic Energy Commission (the Commission) will consider the issuance of a full-term facility operating license to the Commonwealth Edison Company (the licensee) which would authorize the licensee to possess, use and operate the Dresden Nuclear Power Station Unit 2 (the facility), located in Grundy County, Illinois, at its presently licensed steady state power level of up to 2527 megawatts (thermal) for a period of 40 years from the January 10, 1966, issuance



date of the construction permit (CPR-18) in accordance with the provisions of the license and the Technical Specifications appended thereto, upon the completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the application from the Advisory Committee on Reactor Safeguards (ACRS), and a finding by the Commission that the application (as amended) for the full-term facility license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. The facility is presently being operated in accordance with Provisional Operating License No. DPR-19 issued by the Commission on December 22, 1969.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

On or before September 17, 1973, the licensee may file a request for a hearing with respect to the issuance of a full-term facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary of the Commission or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the peti-

tioner's right under the Act to be made a party to the proceeding; (2) the nature of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed either by mail with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than September 17, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to John W. Rowe, Esquire, Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60670, attorney for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the licensee's application for conversion of Provisional Operating License No. DPR-19 to a full-term operating license dated November 15, 1972 (as substantially supplemented by filing dated March 16, 1973), the licensee's Environmental Report dated July 24, 1970, and the supplements thereto dated November 8, 1971, January 10, 1972, October 18, 1972, January 15, 1973, and March 12, 1973, and the Commission's Draft Environmental Statement issued June 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library 604 Liberty Street, Morris, Illinois 60451. As they become available, the following documents may be inspected at the above locations: (1) the Safety Evaluation prepared by the Directorate of Licensing; (2) the Commission's Final Environmental Statement; (3) the report of the Advisory Committee on Reactor Safeguards on the application for a full-term facility operating license; (4)

the proposed full-term operating license, and (5) the proposed technical specifications, which will be attached to the proposed full-term facility operating license.

Copies of items (1), (2), (3), and (4) may be obtained when available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland this 6th day of August 1973.

For the Atomic Energy Commission.

ROBERT W. REID,  
Acting Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[PR Doc. 73-17001 Filed 7-16-73; 8:45 am]

[Docket No. 50-249]

#### COMMONWEALTH EDISON CO.

##### Notice of Opportunity for Hearing

The Commonwealth Edison Company (the licensee) is the holder of Operating License No. DPR-25 (the operating license), issued by the Atomic Energy Commission on January 12, 1971. The operating license authorizes the licensee to possess, use, and operate a boiling water nuclear reactor, designated as the Dresden Nuclear Power Station Unit 3, at steady-state power levels up to a maximum of 2527 megawatts (thermal) at the licensee's site in Grundy County, Illinois, in accordance with the provisions of the license and the technical specifications appended thereto.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970-September 9, 1971. Notice is hereby given, pursuant to the Commission's rules of practice, 10 CFR Part 2 and Appendix D to 10 CFR Part 50, implementation of the National Environmental Policy Act of 1969, that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing full-term facility operating license should be continued, modified, terminated or appropriately conditioned to protect environmental values.

On or before September 17, 1973, the applicant may file a request for a hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the subject facility operating license should be continued, modified, terminated, or appropriately conditioned to protect environmental values, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice



in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., not later than September 17, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to John W. Rowe, Esquire, Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60670, attorney for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a) (1)-(4) and 2.714(d).

For further details pertinent to the matter under consideration, see the li-

cence's Environmental Report dated July 24, 1970, and the supplements thereto dated November 8, 1971, January 10, 1972, October 18, 1972, January 15, 1973 and March 12, 1973, and the Commission's Draft Environmental Statement issued June 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

When the Commission's Final Environmental Statement is issued, it will be available at the above locations and a copy may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland this 6th day of August 1973.

ROBERT W. REID,  
Acting Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc. 73-17002 Filed 8-16-73; 8:45 am]

[Docket Nos. 50-438 and 50-439]

#### TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Draft Environmental Statement: Time for Submission of Views on Antitrust Matter

The Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1973, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on May 14, 1973. Following a preliminary review for completeness, it was accepted on June 14, 1973 for docketing.

The proposed nuclear facility, designated by the applicant as the Bellefonte Nuclear Plant, Units 1 and 2, is located at the Bellefonte site in Jackson County, Alabama, approximately six miles northeast of Scottsboro, Alabama. Each unit is designed for initial operation at a core power level of 3413 megawatts (thermal), and a gross electrical output of 1329 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 4, 1973. The request should be filed in connection with Docket Nos. 50-438-A and 50-439-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a Draft Environmental Statement (in lieu of an environmental report) since TVA like other Federal agencies is subject to the requirements of Section 102 of the National Environmental Policy Act of 1969. The Statement (report) has been made available for public inspection at the aforementioned locations. The Statement, which discusses environmental considerations related to the proposed construction of the Bellefonte Nuclear Plant, Units 1 and 2, is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104 and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall 6th Floor, Huntsville, Alabama 35801.

After TVA's Statement has been analyzed by the Commission's Director of Regulation or his designee, an AEC Draft Environmental Statement will be prepared in accordance with the Commission's procedures in Appendix D to 10 CFR Part 50. Upon preparation of the AEC Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of its availability requesting comments from interested persons. The summary notice will also state that comments of Federal agencies and State and local officials on the AEC Statement will be made available when received.

Dated at Bethesda, Maryland, this 23rd day of July 1973.

For the Atomic Energy Commission.

A. SCHWENCER,  
Chief, Pressurized Water Reactors Branch No. 4 Directorate of Licensing.

[FR Doc. 73-15782 Filed 8-2-73; 8:45 am]

[Docket No. 50-423A]

#### MILLSTONE POINT CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated August 10, 1973, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed in



the FEDERAL REGISTER by September 20, 1973 either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,  
Chief, Office of Antitrust & In-  
demnity, Directorate of Li-  
censing.

#### APPENDIX A

Re: Connecticut Light and Power Company et al., Millstone Nuclear Power Station Unit No. 3, AEC Docket No. 50-432A, Department of Justice File 60-415-65.

AUGUST 10, 1973.

You have requested our advice pursuant to section 106 of the Atomic Energy Act of 1954, as amended by P.L. 91-560, in regard to the above-captioned application.

The applicants, Unit 3 of the Millstone Power Station is to be jointly owned by a rather large number of privately and publicly owned utilities in New England, and has been planned in conjunction with the region-wide generation expansion plan initiated by the New England Power Pool (NEPOOL). The applicants fall into two groups. Nine of the applicants—all privately owned utilities—have made firm ownership commitments. The ownership shares are in the following percentages:

Connecticut Light & Power (CL&P)	39.750%
Hartford Electric Light Company (HELCO)	21.000%
Western Massachusetts Electric Company (WMECO)	14.250%
New England Power Company (NEPCO)	11.141%
United Illuminating Company (UI)	3.685%
Public Service Company of New Hampshire (PSNH)	3.891%
Central Vermont Public Service Corporation (CVPS)	3.694%
Montaup Electric Company (Montaup)	2.372%
Fitchburg Gas & Electric Light Company (Fitchburg)	0.217%
	100.000%

Northeast Utilities, the holding company system of which CL&P, HELCO and WMECO are members, thus is a 75% owner of Unit 3.

The second group of applicants are municipally owned electric companies, each of which will purchase its share of Unit 3 through one of the privately owned utility company applicants. CL&P, HELCO and WMECO (the NU companies) have agreed, provided certain conditions can be met, to make available to four municipal systems in Massachusetts presently served at wholesale by NU, a portion of their ownership interest, to wit:

Chicopee	1.35%
South Hadley Falls	.45%
Westfield	.90%
Holyoke (amount not yet announced)	

NEPCO has similarly agreed, upon fulfillment of various conditions, to apportion part of its ownership share among 13 of its municipal wholesale customers in Massachusetts, to wit:

Peabody	0.173%
North Attleborough	0.060%
Boylston	0.009%

West Boylston	0.029%
Wakefield	0.093%
Hull	0.027%
Shrewsbury	0.091%
Faxon	0.011%
Middleton	0.018%
Ashburnham	0.011%
Templeton	0.015%
Ipswich	0.039%
Marblehead	0.057%

Finally, CVPS agreed to make available to the City of Burlington and Green Mountain Power Corporation 0.365% and 1.450% respectively. As an alternative, CVPS has offered all or part of its ownership interest to the Vermont Electric Power Corporation.

At this point it is uncertain whether all or any of the aforesaid municipal systems will actually become owners of Unit 3. There has been doubt that the municipal systems possess the requisite legal authority to participate in Unit 3, particularly as regards revenue bond authority. As is noted below, the Massachusetts legislature has now enacted legislation which will presumably remove all such legal obstacles and will permit the ownership participation by Massachusetts municipalities.

**Background.** As we have previously indicated in our advice letter concerning the Boston Edison Company application for the Pilgrim Nuclear Power Station, AEC Docket No. 59-293, dated August 2, 1971, there have been allegations of anticompetitive behavior by the privately owned electric utilities against various municipal electric systems in New England, particularly in Massachusetts, during the past 10-12 years. Most of these allegations, together with the evidence bearing upon them are discussed in the brief filed by the Department of Justice in Eastern Electric Energy System holding company proceeding at the SEC. (A copy of this brief was furnished the Commission in conjunction with the Boston Edison application.)

The thread which runs throughout the allegations of anticompetitive behavior is that the large systems have in various ways precluded the small systems from gaining access to low cost bulk power supply on the same basis as the large systems. However, the situation has improved markedly in recent years. The contending factions—principally municipal systems in Massachusetts and Connecticut and the larger privately owned companies—have resolved many of the disputes of the past and are presently negotiating those which remain. For example, over the past 7 years there have been intensive discussions and negotiations concerning the formation of a New England power pool (NEPOOL) which would play a key role in the development, apportionment, delivery, and dispatch of future bulk power supply on a region-wide basis. Initially the publicly owned systems were excluded from such discussions, but several years ago all electric power systems, irrespective of type of ownership, were invited to participate; and a substantial number of publicly owned systems joined in the negotiations.

The record of progress in these negotiations to date is impressive. Most of the systems in the region—both publicly and privately owned—signed an agreement (The New England Power Exchange or NEPEX) which establishes centralized dispatch of bulk power supply on a regional basis. Negotiations concerning NEPOOL have been protracted, owing both to the enormous complexities of such an undertaking and the wide gap between the negotiating stances initially taken by the various participants. A pool agreement signed by most of the privately owned systems as well as by several publicly owned systems was submitted to the Federal Power Commission in November, 1971. However, many of the municipal sys-

tems, principally located in Massachusetts, disliked aspects of the agreement and refused to sign it. Instead, this group requested the FPC to refuse to accept the NEPOOL agreement for filing and thus rendering it at least temporarily inoperative. The Commission nonetheless accepted the agreement for filing and ordered a hearing to explore the issues raised by the municipal systems. In lieu of the FPC hearing, the parties returned to the bargaining table in hopes of negotiating away the problem areas. After the expenditure of considerable time, money and effort, the parties have agreed upon a settlement agreement, which is currently being circulated among the parties for signing. It is anticipated that the agreement will be signed by substantially all the electric systems in the region within the very near future.

The settlement agreement is multi-faceted. In the first place, it represents a compromise among the parties concerning the disputed portions of NEPOOL as filed with the FPC. The NEPOOL agreement as it now exists is much too complex and comprehensive to be fully described here. Suffice it to say that the NEPOOL agreement assures that bulk power supply for the entire region will henceforth be planned on a truly regional basis by the pool, and that each electric system in the region, irrespective of size, form of ownership or location, now has an opportunity to participate on the same basis as the large privately owned systems in the development and utilization of future bulk power supply arrangements. In fact, Millstone Unit No. 3 has been designated as a "Pool planned unit," and the 25% capacity excess to the needs of the NU system has been apportioned pursuant to the procedures set forth in the pool agreement.

The settlement agreement also provides that the signatories will not intervene in any proceeding in opposition to the grant of a license for any of 11 designated pool-planned units, including Millstone Unit No. 3. Accordingly, no system has filed a petition to intervene in opposition to the grant of a license for Millstone Unit No. 3.

Yet another facet of the settlement agreement concerns legislation. The privately owned systems agreed to support legislation in Massachusetts which would (1) permit municipal electric systems to issue revenue bonds so as to obtain the financing needed to allow ownership participation in the NEPOOL planned units and (2) sanction the participation by municipal systems in NEPOOL. For many years the municipal systems have sought revenue bond authority, and for years the privately owned companies have always succeeded in persuading the legislature not to grant such authority. It should be noted that all of the Massachusetts municipal system applicants for the Millstone Unit 3 license conditioned their willingness to acquire an ownership share upon the obtaining of such legislation. The Massachusetts legislature very recently passed the legislation, thus removing all legal impediments to participation by the Massachusetts municipalities in NEPOOL and in NEPOOL planned facilities for bulk power supply.

Finally, the settlement agreement provides for the termination of the pending NEPOOL proceeding at the FPC, but we do not understand that this provision would preclude any NEPOOL member from subsequently bringing to the Commission's attention particular pool provisions which may produce unanticipated hardships or inequities.

**Results of antitrust review.** As noted earlier no systems have intervened in opposition to the grant of a license to the sponsors of Millstone Unit No. 3. The inquiries which we made of electric power systems in New England relative to Unit No. 3 did reveal a few complaints, mostly from municipal systems.



However, it should be noted that many of the responses are almost a year old, and thus were made before the settlement agreement was composed. One of the principal complaints—that NU, together with other private power companies, has consistently opposed revenue bond legislation needed by the municipal systems—has been eliminated in large part by the recent passage of such legislation in Massachusetts. The availability of revenue bond financing in connection with participation in NEPOOL planned units now makes access to Unit No. 3 a practical possibility for Massachusetts municipal systems.

Several of the municipal systems, noting that NU is the dominant factor in transmission in their regions, complain that NU transmission rates are too high. There is no allegation that NU has refused or does refuse to wheel power; hence there is no fact situation that such as gave rise to an antitrust violation in *Otter Tail Power Co. v. United States*, 93 S.Ct. 1022 (1973). In our judgment, the complaints which have been made about wheeling rates are more appropriately directed to the FPC, which exercises jurisdiction over such rates. It should also be noted that transmission of power from NEPOOL planned units to participating municipal systems is largely provided for under terms and conditions set forth in the basic NEPOOL agreement.

On February 13, 1973, a group of 6 municipal systems in Connecticut<sup>1</sup> filed an antitrust suit against CL&P, HELCO, NU and NU Service Co. seeking both treble damages and an injunction. All the plaintiffs have been wholesale customers of CL&P for many years. In 1972 CL&P filed a substantial rate increase with the FPC, and the 6 Connecticut municipalities promptly intervened in opposition to the increase. The FPC set the matter down for a hearing, which is scheduled to commence in September 1973. The parties continued to negotiate about the rate, and it was in the midst of these negotiations that the antitrust complaint was filed. The defendants have filed an antitrust counterclaim against the municipal systems, and the case is pending. The pendency of the antitrust suit prompted the 6 Connecticut municipal systems to refuse to sign the NEPOOL settlement agreement and to decline membership in NEPOOL.

The 6 Connecticut municipal systems have not filed a petition for intervention in opposition to the grant of a license to Millstone Unit No. 3. We do not think it appropriate to pass judgment upon the allegations in the antitrust complaint, which have been denied by defendants. We note, however, that plaintiff's antitrust allegations are focussed upon the rates, terms, and conditions of CL&P's wholesale service to them. Several of the allegations as to restrictive contract and rate schedule provisions appear to relate to provisions previously, but no longer, in effect. Some of currently effective terms and conditions of CL&P's wholesale service have been put in issue in the FPC proceeding mentioned above. We have taken particular note of a provision contained in Appendix B to CL&P's Resale Service Rate Schedule-1, stating that "Energy supplied under this rate is not available for redelivery or economy interchange." The prohibition of "redelivery" would appear on its face to impose a substantial restriction on the buyer's use of purchased energy and to raise questions of inconsistency with the antitrust laws. See *United States v. Arnold Schwinn & Co.*, 388 U.S. 365 (1967).

When we raised our concerns over this rate schedule provision with counsel for

CL&P, we were informed that the company did not interpret the provision as imposing the broad restriction which the language, on its face, suggests and was willing to make a modification of that provision to make its intent clearer. Attached hereto is a letter from an official of CL&P setting forth the modification of Appendix B to CL&P's Rate Schedule-1 which the Company will announce its willingness to accept in the forthcoming FPC hearing.

**Conclusion.** In sum, negotiations among the contending factions in the New England power industry have produced what promises to be an era of good feeling. The anticompetitive behavior formerly attributed to the larger systems by the municipalities has ceased to exist in most important respects, and the agreements among the systems which gave rise to this change in circumstance suggest that such anticompetitive behavior is unlikely to recur. Given this greatly improved situation and given the fact that the planning and development of Millstone Unit No. 3 was conducted pursuant to the principles laid down in the recent agreements, there appears to be no need for a hearing on the antitrust impact of Unit No. 3.

THE CONNECTICUT LIGHT AND POWER COMPANY, P.O. Box 270, HARTFORD, CONNECTICUT 06101

Department of Justice  
Washington, D. C.

Re: AEC Docket No. 50-423  
Millstone Power Station Unit No. 3  
August 8, 1973.

Gentlemen:

In the course of the antitrust review of the above nuclear license application being conducted by the Antitrust Division of the Department, a question has been raised as to the intent expressed in a provision of the electric tariff under which the Company is currently providing service to its wholesale electric customers in Connecticut. That tariff entitled "Resale Service Rate Schedule-1" was filed with the Federal Power Commission in 1972 and it became effective in January 1973 following a five months suspension.

Section I, Appendix B to the schedule provides in part as follows: "Energy supplied under this rate is not available for redelivery or economy interchange."

The question of the intent of the sentence just quoted has also been raised in the course of the current proceeding before the Federal Power Commission with respect to the rate schedule. We have been asked whether the provision is intended to forbid the use by one of the Company's customers of power supplied under the rate in resupplying a wholesale customer of its own. We have informed counsel representing our municipal customers in the proceeding that this was not the intent of the provision in question.

The hearing in the Federal Power Commission proceeding is scheduled to commence in September, 1973. Our presentation in that hearing will include an undertaking that the section in question in the rate schedule may be modified to read as follows in order to make our intent clear:

**Availability and applicability.** Power is supplied by the Company under this rate schedule for all or part of the Buyer's requirements for its own system use and resale to customers served from the Buyer's system. This rate schedule is not intended to specify the charges or terms and conditions of service which would be applicable if Buyer proposed to use the Company's transmission system in order to serve a customer not directly connected to its system.

Energy supplied under this rate is not available for economy interchange.

Power supplied under this rate schedule shall not be used by the Buyer or its customers in such a way as to cause an electrical disturbance on the lines of the Company or to impair the service rendered by the Company to any other customer.

Very truly yours,

THE CONNECTICUT LIGHT AND  
POWER COMPANY,  
E. L. GROVE, Jr.,  
Vice President.

[FR Doc. 73-17165 Filed 8-16-73; 8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Notice of Prehearing Conference

AUGUST 15, 1973.

In the matter of Metropolitan Edison Co. et al. (Three Mile Island Nuclear Station, Unit 1).

A second prehearing conference in the above-captioned proceeding will be held at 10 a.m., local time, on Tuesday, August 28, 1973, in the House of Representatives Majority Caucus Room (Room 140), State Capitol, Harrisburg, PA 17108.

The purpose of the prehearing conference will be to consider the following matters:

1. Final specification of the issues, in the light of intervenors' revised list of contentions filed on July 19, 1973;
2. Consideration of any stipulations filed by the parties;
3. Identification of witnesses;
4. Establishment of a schedule for the exchange of written testimony;
5. Establishment of a date for the hearing; and
6. Such other matters as may aid in the orderly disposition of the proceeding.

It is so ordered.

Issued at Washington, D.C., this 15th day of August 1973.

For the Atomic Safety and Licensing Board.

CHARLES A. HASKINS,  
Chairman.

[FR Doc. 73-17293 Filed 8-16-73; 8:45 am]

[Docket No. 50-338, 50-339, 50-404, 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of North Anna Power Station, Units 1, 2, 3 and 4: Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Michael C. Farrar, Chairman  
Dr. John H. Buck, Member  
William C. Parler, Member

Dated: August 13, 1973.

ESTHER G. CUSATO,  
Secretary to the  
Appeal Board.

[FR Doc. 73-17120 Filed 8-16-73; 8:45 am]

<sup>1</sup> Groton, Norwich, Jewett City, Wallingford and the Second and Third Taxing Districts of Norwalk.



**CIVIL AERONAUTICS BOARD**

[Docket No. 24488; Order 73-8-66]

**INTERNATIONAL AIR TRANSPORT ASSOCIATION****Order Relating to Fares Over South Pacific**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of August, 1973. Docket No. 24488; Agreement C.A.B. 23596, R-1 through R-19; Agreement C.A.B. 23608, R-11; Agreement C.A.B. 23642, R-2.

By Order 73-7-55 of July 12, 1973, the Board approved an agreement adopted by the International Air Transport Association (IATA) which inter alia provided for certain increases in air fares for travel to/from the United States over the South Pacific. Due to the price freeze which became effective June 13, however, the U.S. carriers were prohibited from making tariff filings to implement the increased fares until further order of the Board.

Phase IV of the President's Economic Stabilization Program provides that air transportation charges will be exempt from further regulation of the Cost of Living Council. The purpose of this order is to authorize filing of the approved increases by U.S.- and foreign-flag carriers on not less than one day's notice.

Accordingly, it is ordered, That:

The U.S.- and foreign-flag carriers may file tariffs on not less than one day's notice implementing the increased fares in air transportation incorporated in Agreements C.A.B. 23596, C.A.B. 23608, and C.A.B. 23642, as approved by the Board in Order 73-7-55, July 12, 1973.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] **EDWIN Z. HOLLAND,**  
*Secretary.*

NOTE: Minetti, member, filed a concurrence and dissent, which is filed as part of the original document.

[FR Doc.73-17181 Filed 8-16-73; 8:45 am]

[Docket No. 24573]

**WARDAIR CANADA LTD.****Notice of Hearing**

In the matter of renewal and amendment of Foreign Air Carrier Permit (Canada-United States, and named third countries-United States; planeload (passenger and property), inclusive tour, and circle tour passenger charters).

Notice is hereby given that the hearing in the above-entitled matter postponed by notice dated November 3, 1972, (37 FR 23747), is scheduled to be held on September 6, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Notice is also hereby given that revised proposed exhibits are to be circulated to all parties and to the Judge by August 24, 1973.

Dated at Washington, D.C., August 10, 1973.

[SEAL] **FRANK M. WHITING,**  
*Administrative Law Judge.*  
[FR Doc.73-17180 Filed 8-16-73; 8:45 am]

**COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED****PROCUREMENT LIST 1973****Notice of Proposed Additions**

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities and service to Procurement List 1973, March 12, 1973 (38 FR 6742).

**COMMODITIES**

**CLASS 6530**  
Enema Administration Kit  
6530-073-6204

**CLASS 6532**  
Cover, Operating Room, Footwear  
6532-111-2377  
6532-945-7578

**Cap, Operating, Female**  
6532-122-0468  
6532-250-5041  
6532-250-5042

**Cap, Operating, Male**  
6532-004-8055

**CLASS 7510**  
Pointer, Pencil  
7510-237-4928

**SERVICE**

**INDUSTRIAL CLASS 7641**  
Furniture Rehabilitation  
Sacramento, California plus 60 mile radius—excluding San Joaquin County

Comments and views regarding these proposed additions may be filed with the Committee not later than September 7, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

**E. R. ALLEY, Jr.,**  
*Acting Executive Director.*

[FR Doc.73-17123 Filed 8-16-73; 8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY****CIBA-GEIGY CORP.****Filing of Petition Regarding Pesticide Chemical**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1409) has been filed by CIBA-GEIGY Corp., Ardsley, NY 10502, proposing establishment of a tolerance (40 CFR Part 180) for residues of the herbicide 2-tert-butylamino-4-chloro-6-ethylamino-s-triazine in or on the raw

agricultural commodities sorghum forage and grain at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its triazine metabolites is a procedure in which the residue is extracted and then partitioned to separate the chloro and hydroxy compounds. The chloro compounds are determined by microcoulometric gas-liquid chromatography with halogen detector. The hydroxy compound is determined by thin-layer chromatography using silver nitrate-ultraviolet radiation detection.

Dated: August 9, 1973.

**EDWIN L. JOHNSON,**  
*Acting Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.73-17193 Filed 8-16-73; 8:45 am]

**ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT****Availability of EPA Comments**

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 16, 1973, and July 31, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.



Appendix V contains a listing of the final environmental impact statements names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and

Dated: August 10, 1973.  
SHELDON MEYERS,  
Director,  
Office of Federal Activities.

# APPENDIX I DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973 AND JULY 31, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
<b>Department of Agriculture</b>			
D-SCS-36279-WI	Flood control project, La Crosse County, Wisconsin	LO-2	F
D-SCS-36278-PA	Cross Creek Watershed, Pennsylvania	ER-2	D
D-AFS-6002-WY	Management proposal for Popo Agis primitive area and contiguous land of Southern Wind River Mountain Range, Wyoming	LO-1	I
D-AFS-6004-AZ	Timber mgmt. plan for Apache National Forest (revised), Arizona	3	J
<b>Department of Transportation</b>			
D-FAA-4127-NC	Butterfield County Airport, North Carolina	ER-2	E
D-FAA-4128-TN	Payette Municipal Airport, Fayetteville, Tennessee	LO-2	E
D-FAA-4128-MO	Griffith Municipal Airport, Hartford, Missouri	LO-1	H
D-FAA-4128-ES	Elkhart Municipal Airport, Elkhart, Kansas	LO-1	H
D-FAA-4128-TX	Houston Municipal Airport, Houston, Texas	LO-1	H
D-FHW-4123-TX	N.E. bypass road, ambient air quality, Missouri	ER-2	G
D-FHW-4123-MA	Spur 881 from U.S. 90A, west of Texas, south to Lees Ferry Road, Graham County, Texas	ER-2	G
D-FHW-4127-FL	Columbia Co. Lake City, State road S-10A, Florida	LO-2	E
D-FHW-4127-ID	U.S. 95 through Sandpoint, Bonner County, Idaho	LO-1	K
D-FHW-4126-NV	Deegan Expressway, I-57 Macomahs Dam Bridge, Breat, New York	LO-2	C
D-FHW-4126-KY	Jefferson County, Watkinson Expressway (I-264) Kentucky	ER-2	E
D-FHW-4128-MI	Reconstruction of I-75, Zilwaukee Bridge, Michigan	LO-1	F
D-FHW-4128-SC	Extension of S.R. 27 (and Loop Rd.) Florence Co., South Carolina	LO-2	E
D-FHW-4127-WV	U.S. 19, relocation of WVA 41, Nicholas Co., Rte 8, West Virginia	LO-2	D
D-FHW-4127-NB	U.S. Hwy 80 (Pacific St.), Lexington, Dawson County, Nebraska	LO-2	H
<b>Department of Defense</b>			
D-USN-11039-VA	Improvement of ship berthing spaces, Naval Station, Norfolk, Virginia	LO-2	D
<b>Corps of Engineers</b>			
D-COE-3003-GA	Lakely Island, Beach Erosion Control, Georgia	LO-1	E
D-COE-3019-IL	Cadiz Lake, Illinois	LO-2	E
D-COE-3029-MS	Maintenance dredging Gulfport Harbor, Mississippi	ER-2	E
D-COE-3028-IA	Local protection project, Bettendorf, Iowa	ER-2	H
D-COE-3029-MS	Maintenance dredging Gulfport Harbor, Mississippi	ER-2	E
D-COE-3029-MS	Channel and snagging, Whitewater Creek, Glenwood, New Mexico	ER-2	G
D-COE-3000-FL	Canal 17 (flood control project/drainage) central Florida	LO-2	E
D-COE-3032-IA	Local protection project, Evansdale, Iowa	ER-2	H
D-COE-3004-NJ	New Jersey coastal inlets and beaches by Herford, New Jersey	ER-2	C

## DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973 AND JULY 31, 1973—continued

Identifying number	Title	General nature of comments	Source for copies of comments
<b>Department of the Interior</b>			
D-DOI-6400-VA	Proposed acquisition Featherstone Wildlife Refuge, Virginia	LO-1	D
D-IBR-3003-NV	Havass Inlake Channel and Pumping Plant and Buckskin Mountains Tunnel, Boulder City, Nevada	ER-3	J
D-IBR-3003-ID	American Falls Dam Replacement, Idaho	LO-1	K
D-NPS-4123-HI	City of Refuge National Historical Park, Hawaii	LO-2	J
D-NPS-4124-CA	Ponts Reyes National Seashore, wilderness area, California	LO-1	J
<b>General Services Administration</b>			
D-GSA-8112-WV	Construction of Federal Building, Post Office and Courthouse, West Virginia	LO-1	D
D-GSA-8113-FL	Courthouse and Federal Building, Orlando, Florida	LO-1	E
<b>International Boundary and Water Commission</b>			
D-IBW-3853-TX	Rio Grande upstream from Reframal Dam, Good control, Texas	LO-2	G
<b>Soaring Red-Riding Basins Commission</b>			
D-SRB-3004-OO	Framework study of the Soaring Red-Riding Basins River and Type II study of selected sub-basins of the Red River of the north basin	ER-3	A

## APPENDIX II ADEQUACY OF THE IMPACT STATEMENT

DEFINITION OF COES FOR THE GENERAL NATURE OF EPA COMMENTS	Adequacy of the Impact Statement
<b>Environmental Impact of the Action</b>	<b>Category 1—Adequate</b> The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonable available to the project or action.
<b>LO—Lack of Objection</b> EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.	<b>Category 2—Insufficient Information</b> EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.
<b>ER—Environmentally Unsatisfactory</b> EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).	<b>Category 3—Inadequate</b> EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.



## APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JULY 16, 1973  
AND JULY 31, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
<i>Atomic Energy Commission</i> F-AEC-06017-NY	Nine Mile Point Nuclear Station, Unit 2, New York	EPA expressed satisfaction with the AEC's response to the radiological questions raised by EPA on the draft statement. However, EPA still has a problem with the water quality impact of the once through cooling system planned for the facility. EPA has requested that the proposed construction and operation schedules cited for unit 2 not be altered thereby enabling EPA a one year period in which the effects of the discharges from the unit 1 and Fitz Patrick plants may be physically monitored.	A
<i>Department of Defense</i> F-UAF-84000-00...	Testing of the advanced ballistic reentry systems (ABRES) radioactive sensors	EPA does not believe that the proposed testing will result in an unacceptable environmental impact. However, EPA expressed the belief that future tests involving flights with radioactive materials should be accompanied by a statement including a safety analysis.	A

## APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN  
JULY 16, 1973 AND JULY 31, 1973

Agency	Title	General nature of comments	Source for copies of comments
<i>Atomic Energy Commission</i> R-AEC-09021-00...	10 CFR Part 50—Licensing of production and utilization facilities.	In general EPA concurs with the proposed amendments described in the subject notice except for one matter. EPA recommended that the concepts used to determine reporting requirements for failures at various facilities be outlined in the final rules, and that the AEC provide for a mandatory notification if the limiting of control settings in nuclear fuel reprocessing plants does not function as required.	A
<i>Department of Agriculture</i> R-REA-09029-00...	7 CFR Part 1701—Appendix A—Rural electrification programs—Incentive payments by REA borrowers.	In general EPA's review has indicated that the matters covered in the above notice will not significantly affect air and water quality or other environmental protection areas under EPA's jurisdiction. Although we agree with the policy that REA borrowers should not use incentive payments to expand the use of electric power over other energy sources, we believe the rules should also preclude promoting nonessential demand for electric power.	A
L-DOA-09025-00...	The extension of the Agriculture Act of 1972.	EPA's comments suggest that a broader consideration of alternatives, including alternatives providing for environmental enhancement or actions to limit potentially adverse environmental effects of programs authorized by the act, be considered in the final impact statement and in the development of regulations implementing the act. The comments suggest that consideration be given to providing incentive for program participants to adopt practices to protect and enhance environmental values.	A

## APPENDIX V

## SOURCES FOR COPIES OF EPA COMMENTS

- A. Director, Office of Public Affairs  
Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460
- B. Director of Public Affairs  
Region I  
Environmental Protection Agency  
Room 2303  
John F. Kennedy Federal Building  
Boston, Massachusetts 02203
- C. Director of Public Affairs  
Region II  
Environmental Protection Agency  
Room 847  
26 Federal Plaza  
New York, New York 10007
- D. Director of Public Affairs  
Region III  
Environmental Protection Agency  
Curtis Bldg., 6th and Walnut Streets  
Philadelphia, Pennsylvania 19106
- E. Director of Public Affairs  
Region IV  
Environmental Protection Agency  
Suite 300  
1421 Peachtree Street, N.E.  
Atlanta, Georgia 30309
- F. Director of Public Affairs  
Region V  
Environmental Protection Agency  
1 N. Wacker Drive  
Chicago, Illinois 60606
- G. Director of Public Affairs  
Region VI  
Environmental Protection Agency  
1600 Patterson Street  
Dallas, Texas 75201

H. Director of Public Affairs  
Region VI  
Environmental Protection Agency  
1735 Baltimore Street  
Kansas City, Missouri 64108

I. Director of Public Affairs  
Region VIII  
Environmental Protection Agency  
Lincoln Tower, Room 916  
1860 Lincoln Street  
Denver, Colorado 80203

J. Director of Public Affairs  
Region IX  
Environmental Protection Agency  
100 California Street  
San Francisco, California 94102

K. Director of Public Affairs  
Region X  
Environmental Protection Agency  
1200 6th Avenue  
Seattle, Washington 98101

[FR Doc.73-17111 Filed 8-16-73;8:45 am]

## BENOMYL

Notice of Reextension of Temporary  
Tolerance

## Correction

In FR Doc. 73-13647 appearing at page 17875 in the issue of Thursday, July 5, 1973, the signature reading "Henry J. Ford" should read "Henry J. Korp".

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder  
License 1242]

INTERMODAL FREIGHT FORWARDING,  
INC.

## Order of Revocation

Intermodal Freight Forwarding, Inc., 116 Nassau Street, Room 1110, New York, New York 10038 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1242 for revocation, effective August 6, 1973.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1242 of Intermodal Freight Forwarding, Inc. be and is hereby revoked effective August 6, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Intermodal Freight Forwarding, Inc.

AARON W. REESE  
Managing Director

[FR Doc.73-17175 Filed 8-16-73;8:45 am]

[Docket No. 73-46]

## PACIFIC ISLANDS TRANSPORT LINE

Proposed General Rate Increases Between Pacific Coast and Hawaii Ports of Call and Pago Pago, American Samoa; Correction

AUGUST 13, 1973.

In the order of investigation and suspension (38 FR 21691, Aug. 10, 1973), change the date in the first further



ordering paragraph to November 30, 1973 and change the date in the second further ordering paragraph to December 1, 1973.

Add 2nd Revised Page 14-A to Appendix A.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-17177 Filed 8-16-73; 8:45 am]

[Docket No. 73-47]

#### POLYNESIA LINE, LTD.

Proposed General Rate Increases Between Pacific Coast and Hawaiian Ports of Call and Pago Pago, American Samoa; Correction

AUGUST 13, 1973.

In the order of investigation and suspension (38 FR 21693, Aug. 10, 1973), change the date in the first further ordering paragraph to November 30, 1973, and change the date in the second further ordering paragraph to December 1, 1973.

Add 8th Revised Page 17 to Appendix A.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-17178 Filed 8-16-73; 8:45 am]

[Independent Ocean Freight Forwarder License 169]

#### PORTALA SHIPPING SERVICE

##### Order of Revocation

On July 30, 1973, Cesar A. Portala, d/b/a Portala Shipping Service, 366 Broadway, New York, New York 10013 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 169 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated May 1, 1972):

It is ordered, That Independent Ocean Freight Forwarder License No. 169 of Cesar A. Portala, d/b/a Portala Shipping Service be and is hereby revoked effective July 30, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Cesar A. Portala, d/b/a Portala Shipping Service.

AARON W. REESE,  
Managing Director.

[FR Doc.73-17174 Filed 8-16-73; 8:45 am]

[Independent Ocean Freight Forwarder License 217]

#### H. S. THIELEN, INC.

##### Order of Revocation

By letter of July 11, 1973, the Federal Maritime Commission received notification that H. S. Thielen, Inc., P.O. Box 1226, Lake Charles, Louisiana 70601 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 217 for revocation, effective August 16, 1973.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated May 1, 1972):

It is ordered, That Independent Ocean Freight Forwarder License No. 217 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of H. S. Thielen, Inc. be and is hereby revoked effective August 16, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon H. S. Thielen, Inc.

AARON W. REESE,  
Managing Director.

[FR Doc.73-17176 Filed 8-16-73; 8:45 am]

#### FEDERAL POWER COMMISSION

##### EL PASO NATURAL GAS CO.

##### Rate Schedule Cancellation and Service Agreement Tender

AUGUST 13, 1973.

Take notice that on July 5, 1973, El Paso Natural Gas Company ("El Paso") tendered for filing First Revised Sheet No. 14 to its FPC Gas Tariff, Original Volume No. 2A, which sheet cancels special Rate Schedule FS-2 contained in said tariff. El Paso also tendered for filing a Service Agreement dated May 1, 1973, between El Paso and the City of Spur, Texas, which according to El Paso, supersedes and cancels the Gas Sales Contract dated December 31, 1965, between El Paso and Cap Rock Gas Co., Inc. ("Cap Rock"), comprising Rate Schedule FS-2.

El Paso states that by an instrument of conveyance dated and effective May 1, 1973, Spur acquired from Cap Rock the distribution facilities serving Spur and, by the tendered Service Agreement, El Paso will continue natural gas service to Spur thereunder. Further, El Paso states the tendered service agreement also provides for a reduction in the maximum daily quantity of natural gas delivered to Spur from 1,720 Mcf per day to 900 Mcf per day and the elimination of the annual delivery obligation to Spur. El Paso filed concurrently with this tender a petition to amend the order issued August 21, 1969, as amended, at Docket No. CP69-23, requesting authorization for the reduction in maximum daily quantity and the elimination of the annual delivery obligation.

El Paso requests that the tendered tariff sheet and service agreement be accepted for filing and permitted to become effective on a date coincident with issuance of the amended order sought by the petition to amend filed concurrently herewith.

Any person desiring to be heard or to protest said Rate Schedule Cancellation and Service Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.9 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 August 27, 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.73-17121 Filed 8-16-73; 8:45 am]

[Docket No. E-8323]

#### FLORIDA POWER AND LIGHT CO.

##### Change in Effective Date of Agreement

AUGUST 13, 1973.

Take notice that on July 31, 1973, Florida Power and Light Company (Florida) tendered a request for a change in the effective date of an agreement filed with the Commission on July 16, 1973. In the previous filing, Florida requested an effective date of September 16, 1973. Florida now asks that the effective date be changed to September 1, 1973.

Florida asserts that, since the effective date of the rate applicable under the agreement is September 1, 1973, the operational date of the agreement should be the same. To the extent necessitated by this request, Florida asks waiver of the notice requirements of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 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 August 17, 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.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-17122 Filed 8-16-73; 8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-61]

#### JOHNSON SPACE CENTER RADIATION SAFETY COMMITTEE; MEDICAL ISOTOPES ADVISORY SUBCOMMITTEE

##### Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Medical Isotopes Advisory Subcommittee will be held on September 7, 1973, from 3:00 p.m. to 4:00 p.m., in Room 120,



Building 1, Johnson Space Center, Houston, Texas 77058.

This is the third meeting of the Subcommittee for calendar year 1973. The meeting agenda includes a review of the execution of the experiment protocols for the Second Skylab Mission and a review of the protocols for the Third Skylab Mission. The Subcommittee will formulate recommendations to the JSC Radiation Safety Committee.

The meeting will be open to the public; however, a limited number of seats will be available. Any member of the public wishing to attend the meeting should contact Mr. J. Vernon Bailey, Executive Secretary, 713-483-3419.

HOMER E. NEWELL,  
Associate Administrator, National Aeronautics and Space Administration.

AUGUST 14, 1973.

[FR Doc.73-17150 Filed 8-16-73; 8:45 am]

## SMALL BUSINESS ADMINISTRATION INVESTMENT FUNDS, INC.

[License No. 03/04-0054]

### Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701(1973)), for application of the transfer of control of Investment Funds, Inc., 5513 Princess Anne Road, Virginia Beach, Virginia 23462, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act).

Investment Funds, Inc., was licensed on October 3, 1961, with private capital of \$155,000, and it presently is at \$260,760. The transfer of control will be from Investment Funds, Inc., to Equity Investment Funds, Inc., 213 East Main Street, Norfolk, Virginia 23510, with an increase in private capital up to \$306,000.

Equity Investment Funds, Inc., is 100 percent owned by Equity Mortgage Corporation, 213 East Main Street, Norfolk, Virginia 23510. The only investor who will own 10 percent or more of Equity Mortgage Corporation and his position with Equity Investment Funds, Inc. is:

Gerald J. Friedman President, Director  
6057 River Crescent  
Norfolk, Virginia 23505

The other officers of Equity Investment Funds, Inc. are:

Thomas R. Dall Vice President, Director  
3604 Pine Road

Portsmouth, Virginia 23704

Isadore S. Schwartz Secretary-Treasurer-Director

300 Thole Street  
Norfolk, Virginia 23505

Samuel Sandler Director  
234 North Blake Road  
Norfolk, Virginia 23505

The proposed new owner does not intend to make any significant changes in

the area of operations and investment policy. The principal office will be located at 213 East Main Street, Norfolk, Virginia 23510.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operation of the company under their control and management in accordance with the Act and Regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, by August 27, 1973.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in Norfolk, Virginia.

Dated: August 6, 1972.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.73-17135 Filed 8-16-73; 8:45 am]

[Notice of Disaster Loan Area 1010]

## NEW JERSEY

### Disaster Relief Loan Availability

As a result of the President's declaration of the State of New Jersey as a major disaster area following severe storms and flooding beginning on or about August 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Essex, Middlesex, Somerset and Union, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration  
District Office  
970 Broad Street  
Newark, New Jersey 07102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than October 8, 1973.

Dated: August 8, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-17136 Filed 8-16-73; 8:45 am]

[Notice of Disaster Loan Area 1006; Amdt. 1]

## NEW YORK

### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of New York as a major disaster area following severe storms and flooding beginning on or about June 28, 1973, applications for disaster relief loans will be accepted by the Small Business

Administration from flood victims in the adjacent affected areas to those counties previously declared major disaster areas. (See 38 FR 20510)

Applications may be filed at the:

Small Business Administration  
Regional Office  
26 Federal Plaza—Room 3930  
New York, New York 10007

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under the announcement must be filed not later than September 18, 1973.

Dated: August 7, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-17137 Filed 8-16-73; 8:45 am]

[Declaration of Disaster Loan Area 1011]

## PENNSYLVANIA

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July, 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Butler City and in and around Butler Township, Butler County, Pennsylvania, and adjacent affected areas, suffered damage or destruction resulting from overflow of small streams and flash flooding caused by heavy rains on July 25 and 26, 1973. Applications will be processed under the provisions of Public Law 93-24.

Office: Small Business Administration  
District Office  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 8, 1973.

Dated: August 9, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-17138 Filed 8-16-73; 8:45 am]



[Proposed License No. 02/02-0303]

**NYBDC CAPITAL CORP.****Application for License as Small Business Investment Company**

An application for a License to operate as a small business investment company under the provisions of The Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by NYBDC Capital Corp. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Name	Title
Marshall Robert Lustig 9 Rose Court Albany, New York 12209	President
John David Wasson 4 Van Buren Avenue Castle-on-Hudson, New York 12033	Vice President
Robert William Lazar Appleblossom Lane R.D. West Coxsack, New York 12192	Vice President
Daniel William Voors 203 Euclid Avenue Albany, New York 12208	Treasurer
John Bingham Kinum 65 Brightonwood Road Glenmont, New York 12077	Secretary and Counsel
Mildred Hannigan 19 State Street Rensselaer, New York 12144	Assistant Secretary
Frederick Edwin Bolk 97 Elliman Place Syosset, New York 11791	Director
Edward Walsh Duffy 7266 Woodchuck Hill Road Fayetteville, New York 13066	Director
Arthur William Evans 715 Scott Avenue Syracuse, New York 13224	Director
John Frederick Fox 238 Overbrook Road (Pittsford) Rochester, New York 14618	Director
Everett Anson Gilmour 9 Ridgeland Road Norwich, New York 13815	Director
Robert Paul Larson 22 Fort Amherst Road Glen Falls, New York 12801	Director
Charles Conrad Lehing 367 Harvey Court Wyckoff, New Jersey 07481	Director
Donald Sollen McGivern 203 Gordon Parkway Syracuse, New York 13219	Director
Eugene Horton Morrison Webb Road, R.D. #4 Middletown, New York 10940	Director
Hartwell P. Morse, Jr. 283 Riverside Drive Binghamton, New York 13905	Director
Neal Lee Moylan 12 Kensington Court Del Mar, New York 12054	Director
Frederick Palmer 505 North Broadway Upper Nyack, New York 10960	Director

Peter Frank Pili  
216 Frost Pond Road  
Glen Head, New York  
11545

Director

Kevin I. Sullivan  
81 Lehn Spring Drive  
Williamsville, New York  
14221

Director

Donald Jerome Veniard  
226 Elm Street  
Watertown, New York  
13601

Director

The applicant with its principal place of business at 41 State Street, Albany, New York 12207, will begin operations with \$300,000 of paid-in capital consisting of 200 shares of common stock sold to The New York Business Development Corporation.

The applicant will not concentrate its investments in any particular industry. It intends to supply equity capital to small business concerns not able to either attract investors or be successful in public offerings. To some extent, management advisory services will be made available to small business concerns by the staff.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the SBA Rules and Regulations.

Any person may, on or before August 27, 1973, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Albany, New York.

Dated: August 8, 1973.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.73-17139 Filed 8-16-73;8:45 am]

**TARIFF COMMISSION**

[337-L-64]

**ANALOG-TO-DIGITAL METERS****Extension of Time for Filing Written Views**

On June 20, 1973, the United States Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Weston Instruments, Inc., of Newark, New Jersey, alleging unfair methods of competition and unfair acts in the importation and sale of certain analog-to-digital meters (38 FR 16118). Interested parties were given until July 30, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing

written views until the close of business on September 28, 1973.

Issued: August 14, 1973.

By order of the Commission.

G. PATRICK HENRY,  
Acting Secretary.

[FR Doc.73-17127 Filed 8-16-73;8:45 am]

[AA1921-120]

**CERAMIC GLAZED WALL TILE FROM THE PHILIPPINES****Determination of No Injury or Likelihood Thereof**

AUGUST 10, 1973.

On May 11, 1973, the Tariff Commission received advice from the Treasury Department that ceramic glazed wall tile from the Philippines is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-120 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on July 10, 1973. Notice of the investigation and hearing was published in the *FEDERAL REGISTER* of May 1, 1973 (38 FR 13788).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined<sup>1</sup> that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of ceramic glazed wall tile from the Philippines, sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

**Statement of Reasons.** The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury, likelihood of injury, or prevention of establishment of an industry<sup>2</sup> must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the

<sup>1</sup> Commissioner Young did not participate in the decision.

<sup>2</sup> The prevention of the establishment of an industry is not an issue in this case, and therefore will not be treated further.



Secretary of the Treasury has determined is being or is likely to be sold at less than fair value (LTFV). In the Commission's judgment the second condition has not been met in this investigation.

**The product.** Ceramic glazed wall tile imported from the Philippines is of lower quality when judged by specifications commonly adhered to by the U.S. industry and competes primarily in the apartment and condominium market, where lower quality tile is generally used. The industry that would be affected by the imports of Philippine tile at LTFV would be the facilities in the U.S. devoted to the manufacture of ceramic glazed wall tile.

**U.S. consumption and import penetration.** During 1967-69, U.S. apparent annual consumption of ceramic glazed wall tile rose each year; in 1969 it was 17 percent larger than in 1967. In 1970 such consumption dropped by 14 percent from the 1969 level. Thereafter, consumption rose again, and in 1972 it exceeded the 1969 level by 13 percent. The consumption of approximately 340 million square feet in 1972 was the highest recorded during the past 10 years. Shipments of domestic wall tile followed a generally similar pattern as consumption and were also at a record level in 1972.

Imports of wall tile from the Philippines first entered the United States in 1967; although such imports rose rapidly, they supplied only 1.6 percent of U.S. consumption of wall tile in 1972, the year in which the Treasury Department found LTFV sales of Philippine wall tile. Of the sales examined by the Treasury during February-September 1972, LTFV margins were found on only a part of Philippine tile sales to the United States. The penetration of the U.S. market by the LTFV imports was estimated to be less than 1 percent in 1972. The Treasury determined that, because of price revisions effected by the Philippine exporters, no Philippine wall tile had been sold in the United States at LTFV as of October 1972.

In 1972 when imports of ceramic glazed wall tile from the Philippines supplied 1.6 percent of U.S. consumption, imports from other sources supplied about 26 percent, U.S. consumption (an average of about 25 percent of consumption during the period 1967-71).

The domestic industry producing ceramic wall tile contended that it was injured or likely to be injured as a result of the concentration of imports of ceramic glazed wall tile from the Philippines into selected metropolitan areas of the United States. Official statistics, based on port-of-unloading data, show such a concentration in 1972; however, the magnitude of such imports relative to consumption or sales by domestic producers in these areas cannot be clearly identified. Imports from other foreign sources were concentrated in those metropolitan areas in a volume which far exceeded the volume of imports from the Philippines.

**No injury by reason of LTFV sales.** In 1972, when Treasury found sales at

LTFV and when total imports from the Philippines had reached their highest level of U.S. market penetration of 1.6 percent, the U.S. wall-tile-producing industry did not show evidence of injury. The volume and value of domestic shipments increased annually from 1970 to 1972 as did employment and man-hours worked in the U.S. ceramic wall tile industry. The profitability of operations of domestic companies followed a similar upward trend. In 1972, inventories of some U.S. producers were depleted, and orders were being filled directly from their production lines, while some producers were compelled to allocate tile among their customers. As a matter of fact, the volume of imports from foreign sources other than the Philippines was greater and may have been the cause of any difficulties experienced by the U.S. wall tile industry. The Commission could not substantiate any evidence of sales lost by the domestic industry to Philippine wall tile imported at LTFV. The Commission also was unable to find clear evidence of any price suppression or depression by reason of LTFV sales of Philippine ceramic wall tile.<sup>3</sup>

**No likelihood of injury by reason of LTFV sales.** In determining no likelihood of injury to a domestic industry, by reason of LTFV sales of Philippine ceramic glazed wall tile, the Commission took into consideration the current health and efficiency of the domestic wall-tile-producing industry, the prospects of continued expanding U.S. demand for wall tile, the elimination of the dumping margins by the Philippine producers, changes in currency valuation, and the increase in the U.S. rate of duty on Philippine wall tile effective January 1, 1974.

**Conclusion.** On the basis of the foregoing, we conclude that a domestic industry is not being, or is not likely to be, injured by reason of imports of ceramic glazed wall tile from the Philippines sold, or likely to be sold, at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.73-17124 Filed 8-16-73; 8:45 am]

[AA1921-129]

#### POLYCHLOROPRENE RUBBER FROM JAPAN

##### Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 31, 1973, that polymerized chlorobutadiene, com-

<sup>3</sup> Commissioners Bedell, Parker, Moore, and Ablondi observe that under the time requirements of this investigation the Commission was hampered by the failure of the domestic tile producers to make full and timely response to Commission questionnaires. As a result, the Commission has been deprived of information within the control of the U.S. industry relating to its contention concerning injury in regional market areas.

monly known as polychloroprene rubber from Japan is being, or is likely to be, sold at less than fair value, the United States Tariff Commission on August 10, 1973, instituted investigation No. AA1921-129 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.** A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Thursday, September 20, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Friday, September 14, 1973.

Issued: August 13, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY,  
Acting Secretary.

[FR Doc.73-17125 Filed 8-16-73; 8:45 am]

[TEA-W-206]

#### BOWER ROLLER BEARING DIVISION

##### Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Detroit, Michigan, plants of the Bower Roller Bearing Division of the Federal Mogul Corporation, Southfield, Michigan, the United States Tariff Commission, on August 10, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with roller bearings (of the types provided for in items 680.35 and 680.36 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before August 27, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW.,



Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 13, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY,  
Acting Secretary.

[FR Doc.73-17126 Filed 8-16-73;8:45 am]

[337-L-65]

### CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

#### Extension of Time

On July 30, 1973, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by District Sound, Inc., Washington, D.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic audio and related equipment (38 FR 20303). Interested parties were given until September 7, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business, September 30, 1973.

Issued: AUGUST 13, 1973.

By order of the Commission.

[SEAL] G. PATRICK HENRY,  
Acting Secretary.

[FR Doc.73-17128 Filed 8-16-73;8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Notice 321]

#### ASSIGNMENT OF HEARINGS

AUGUST 13, 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.

MC-115826 Sub 244, W. J. Digby, Inc., now assigned September 10, 1973, will be held in Room 2437, Federal Building, 125 South State St., Salt Lake City, Utah.

MC-138274 Sub 1, Shippers Best Express, Inc., now assigned September 17, 1973, will be held in Room 2437 Federal Building, 125 South State Street, Salt Lake City, Utah. MC-11741, Transpo International, Inc.,—Control—Dunkley Refrigerated Transport, Inc., & FD-27268, Transpo International, Inc., And J. B. Montgomery Securities, now assigned September 19, 1973, will be held in Room 2437, Federal Building, 125 South State Street, Salt Lake City, Utah.

MC-89684 Sub 81, Wycoff Company, Inc., now assigned September 24, 1973 will be held in Room 2437, Federal Building, 125 South State Street, Salt Lake City, Utah.

MC-P-11806, Hagen, Inc.—Purchase—Winkoma, Inc., now being assigned hearing September 17, 1973 (3 days), in Room 813, 610 S. Canal Street, Chicago, Ill.

MC-136581 Sub 1, All Freight Distribution Co., Inc., now assigned August 14, 1973, at Washington, D.C. is postponed indefinitely.

MC-59655 Sub 3, Sheehan Carriers, Inc., now assigned September 11, 1973, will be held in Court Rm. No. 4, U.S. Customs Court, One Federal Plaza, New York, N.Y.

MC-70083 Sub 27, Drake Motor Lines, Inc., now assigned September 12, 1973, will be held in Court Rm. No. 4, U.S. Customs Court, One Federal Plaza, New York, N.Y.

MC 134822 Sub 38, B. J. McADAMS, INC., now assigned September 17, 1973, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, New York.

MC 133095 Sub 39, Texas Continental Express, Inc., now assigned September 18, 1973, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, N.Y.

MC-P-11607, Long Island Motor Haulage Corporation—Control—C & L Transportation, Inc., MC 98785 Sub 2, C & L Transportation, Inc., now assigned September 19, 1973, will be held in Court Room A, Court of Claims, 26 Federal Plaza, New York, New York.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-17190 Filed 8-16-73;8:45 am]

[Notice 322]

#### ASSIGNMENT OF HEARINGS

AUGUST 14, 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.

Correction:

MC 2835 Sub 38, Adirondack Transit Lines, Inc., now assigned October 15, 1973, at Albany, N.Y., in a hearing room to be later designated. Instead of MC 2935 Sub 38.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-17191 Filed 8-16-73;8:45 am]

[Notice 335]

#### 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 September 17, 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-74343. By order of August 10, 1973, Division 3, acting as an Appellate Division, approved the transfer to Kobros Transportation System, Inc. Henderson, Ky., of a portion of the operating rights in Certificate No. MC-124951 (Sub-No. 32) issued January 18, 1971 to Wathen Transport, Inc., Henderson, Ky., authorizing the transportation of various commodities between, from and to specified points and areas in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio and Tennessee. George M. Catlett, 703 McClure Bldg., Frankfort, Ky., 40601 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-17189 Filed 8-16-73;8:45 am]

[Notice No. 110]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.



## MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 39 TA) filed July 22, 1973 Applicant: BRALLEY-WILLET TANK LINES, INC. 2212 Deepwater Terminal Road P.O. Box 495 Richmond, Va. 23234 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming Nitric Acid and Nitric Acid Propellant*, from Buffalo, N.Y., to Anniston, Ala., for 180 days. SUPPORTING SHIPPER: Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 13764 (Sub-No. 3 TA) filed August 1, 1973 Applicant: SIEGEL & COHEN EXPRESS, INC. 567 So. 11th Street Newark, N.J. 07103 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers along with wearing apparel in packages, *handbags, shoes and related commodities* used in the conduct of retail wearing apparel stores and *return of damaged merchandise* for the account of Robert Hall Clothes, between points in the New York, N.Y. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Hampton, Va., for 180 days. SUPPORTING SHIPPER: Robert Hall Clothes, 333 West 34th St., New York, N.Y. 10001. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 26396 (Sub-No. 85 TA) filed July 30, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS 201 W. Park P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle-board*, from points in Montana, to points in Illinois, Wisconsin and Iowa, for 180 days. SUPPORTING SHIPPER: Evans Products Co., Drawer L, Missoula, Mont. 59801. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 86 TA) filed July 30, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS 201 W. Park P. O. Box 990 Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and particle board*, from Missoula, Mont., to points in New York and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Continental Tackless Corporation, P.O. Box 87, Croydon, Pa. 19020. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 30887 (Sub-No. 192 TA) filed July 31, 1973 Applicant: SHIPLEY TRANSFER, INC. 49 Main Street, Box 55 Reisterstown, Md. 21136 Applicant's representative: William B. Eckels (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Baltimore, Md., to Chestertown, Md., restricted to traffic having a prior movement by rail, for 180 days. SUPPORTING SHIPPER: Mr. Robert W. Bradshaw, Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, Mo. 63166. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 51146 (Sub-No. 325 TA) filed July 31, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plastic film*, from Decatur, Ala., to Weatherford, Okla.; (B) *Plastic film, plastic liquid and adhesive cements* (except in bulk), from Decatur, Ala., to Brownwood, Tex.; and (C) *Plastic film, surface coated paper and wrapping paper, paint* (except in bulk), and *painters smalts*, between Brownwood, Tex. and Guin, Ala., for 180 days. SUPPORTING SHIPPER: Minnesota Mining and Manufacturing Company, 3 M Center, St. Paul, Minn. 55101 (K. A. Kumm, Manager, Transportation Operations). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 92068 (Sub-No. 8 TA) filed July 31, 1973. Applicant: MUTUAL TRANSPORTATION, INCORPORATED President & Fleet Sts., Baltimore, Md. 21201. Applicant's representative: Walter T. Evans, 615 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores, from the facilities of Mutual Transportation Incorporated at Baltimore, Md., to the stores and facilities of Mammoth Mart, Inc., at Lexington Park and Waldorf, Md. and the Lower Paxton Township, Pa., at or near Harrisburg, Pa., restricted to the transportation of traffic having an immediate prior movement by motor carrier, for 180 days. SUPPORTING SHIPPER: Mr. Allen Garf, Asst. Vice Pres. of Distribution Services, Mammoth Mart, Inc., 321 Manley Street, West Bridgewater, Mass. 02379. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Com-

mission, Bureau of Operations, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 96902 (Sub-No. 3 TA) filed July 30, 1973 Applicant: CENTRAL EXPRESS, INC. 304 Grove St. Westwood, Mass. 02090 Applicant's representative: Frank J. Weiner 15 Court Square Boston, Mass. 02108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed photographic film*, other than for commercial theatre or television exhibition, and together therewith, incidental supplies used in and for shipping said film, between Boston, Mass. and Southbridge, Mass., for 150 days. RESTRICTION: Restricted to shipments of picked up and/or delivered to the business facilities of Southbridge Photo Supply, Southbridge, Mass. SUPPORTING SHIPPER: Eastman Kodak Company, 343 State St., Rochester, N.Y. 14650. SEND PROTESTS TO: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, Mass. 02114.

No. MC 106398 (Sub-No. 677 TA) filed August 1, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Box 51096 Dawson Station Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, tubing, conduit, materials and accessories* used in the installation thereof, from the plantsite of Carlson Products, Division of Indianhead, at Nazareth, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Warren C. Singer, Mgr. of Traffic Adm., Carlson Div., Indian Head, Inc., 23200 Chagrin Blvd., Cleveland, Ohio 44122. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm 240 Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 655 TA) filed July 30, 1973 Applicant: PRE-FAB TRANSIT COMPANY 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry machine parts*, between Paris, Ill. and Fairfield, Iowa, for 180 days. SUPPORTING SHIPPER: William J. Eveland, Traffic Manager, Unarco Industries, Inc., P.O. Box 429, Paris, Ill. 61944. SEND PROTESTS TO: Harold C. Joliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Bldg., 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 110140 (Sub-No. 10 TA) filed July 31, 1973 Applicant: MAYO ROBISON doing business as LUMBER TRUCKING SERVICE 943 S. Nebraska



Street Seattle, Wash. 98108 Applicant's representative: Richard A. Derham 4200 Seattle 1st National Bank Bldg. Seattle, Wash. 98154 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Clallam, Jefferson, Kitsap and Grays Harbor Counties, Wash., to the United States-Canada Boundary at or near Blaine and/or Lynden, Wash., for 180 days. SUPPORTING SHIPPER: Pacific Lumber & Shipping Co., 1410 Washington Bldg., Seattle, Wash. 98101. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 112696 (Sub-No. 49 TA) filed August 1, 1973 Applicant: HARTMANS, INCORPORATED P.O. Box 898 833 Chicago Avenue Harrisonburg, Va. 22801 Applicant's representative: Edward G. Villalon Suite 1032 Pennsylvania Bldg. Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pabst, Ga., to Lynchburg, Va. and *empty bottles, containers, kegs, pallets and skids*, from Lynchburg, Va., to Pabst, Ga., for 180 days. SUPPORTING SHIPPER: Callahan Grocery & Produce Co., Inc., 924-926 Commerce Street, Lynchburg, Va. 24504. SEND PROTESTS TO: Clatin M. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 113158 (Sub-No. 23 TA) filed August 1, 1973 Applicant: TODD TRANSPORT COMPANY, INC. Secretary, Md. 21664 Applicant's representative: V. Baker Smith 2107 The Fidelity Bldg. Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plant and facilities of Joseph Schlitz Brewing Company in Forsyth County, N.C., to Salisbury, Md. and *used empty malt beverage containers*, from Salisbury, Md., to the plant and facilities of Joseph Schlitz Brewing Company in Forsyth County, N.C., for 180 days. SUPPORTING SHIPPER: Wyatt Wholesale Co., Snow Hill Road, Salisbury, Md. 21801. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 116967 (Sub-No. 17 TA) filed July 26, 1973 Applicant: WONDAL TRUCKING CO., INC. 2857 Ridge Road Lansing, Ill. 60438 Applicant's representative: Samuel Ruff 2109 Broadway East Chicago, Ind. 46312 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common bricks*, from Chicago, Ill., to Indianapolis and Anderson, Ind. and return for the account of American Brick Co., Inc., for 180 days.

SUPPORTING SHIPPER: Mr. Charles K. Davis, Vice President, American Brick Company, 6558 W. Fullerton, Chicago, Ill. 60635. SEND PROTESTS TO: District Supervisor Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604. Note: Applicant does intend to tack.

No. MC 120981 (Sub-No. 17 TA) filed August 1, 1973 Applicant: BESTWAY EXPRESS, INC. 415 Fifth Avenue, South Nashville, Tenn. 37202 Applicant's representative: George M. Catlett Suite 703 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville, Tenn. and New Orleans, La., from Nashville, Tenn. over Interstate Highway 40 to junction U.S. Highway 45, thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 80 to Jackson, Miss., thence over Interstate Highway 55 to its junction with Interstate Highway 12, thence over Interstate Highway 12 to its junction with U.S. Highway 51, thence over U.S. Highway 51 to its junction with U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, La., and return over the same route, serving no intermediate points, but serving points within the New Orleans, La. commercial zone, for 180 days. Note: Applicant proposes to tack authority sought herein with its existing authority in MC 120981 Sub 2 at Nashville, Tenn., so as to provide a through service between New Orleans, La., on the one hand, and, on the other, Nashville, Tenn., and those points and places which applicant is authorized to serve under its certificates MC-120981 Sub 2 and Sub 7. Applicant also proposes to interline traffic with existing motor common carriers at Nashville and Mitchell, Tenn.; Lexington and Bardstown, Ky.; and New Orleans, La. SUPPORTING SHIPPERS: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 126276 (Sub-No. 83 TA) filed August 1, 1973 Applicant: PAST MOTOR SERVICE, INC. 12855 Ponderosa Drive Palos Heights, Ill. 60463 Applicant's representative: James C. Hardman 127 North Dearborn St. Chicago, Ill. 60602 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts and accessories*, from Racine, Wis., to Dan-

ville, Ill., for 180 days. SUPPORTING SHIPPER: Continental Can Company, 150 South Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: District Supervisor Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126487 (Sub-No. 1 TA) filed July 18, 1973 Applicant: CADLINE TRANSPORT LIMITED 1023 Queen Street East Toronto, Ontario, Canada Applicant's representative: Robert D. Gunderman Suite 710 Statler Hilton Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, splits, pelts, bellies, pieces, and by-products thereof*, including *glue stock*, between ports of entry on the International Boundary line between the United States and Canada at the Niagara, St. Lawrence, Detroit and St. Clair Rivers, on the one hand, and, on the other, points in Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Minnesota, Mississippi, New Hampshire, Nebraska, New York, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPER: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 127019 (Sub-No. 8 TA) filed July 27, 1973 Applicant: LA RUE LAMB doing business as LA RUE LAMB TRUCKING P.O. Box 374 Myton, Utah 84052 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsonite (natural asphaltum)*, from Bonanza, Utah, to Hazelwood, Mo., for 180 days. SUPPORTING SHIPPER: American Gilsonite Company, 1150 Kennecott Building, Salt Lake City, Utah 84133 (E. H. Owens, Secretary-Treasurer). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 129035 (Sub-No. 5 TA) filed July 31, 1973 Applicant: OAKLEY TRANSFER & STORAGE COMPANY a Corporation 4115 Edith Boulevard N.E. Albuquerque, N. Mex. 87107 Applicant's representative: Donald E. Fernaays 4040 East McDowell Road Suite 312 Phoenix, Ariz. 85008 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives,



household goods as defined by the Interstate Commerce Commission, commodities in bulk and those requiring special equipment), between points in San Juan, Colfax, Mora, Quay, Curry, Union, De Baca, Harding, Roosevelt, Bernalillo, McKinley, Valencia, Socorro, Guadalupe, San Miguel, Santa Fe, Taos, Rio Arriba, Los Alamos, Sandoval, and Torrance Counties, N. Mex., for 180 days. Note: Applicant intends to interline with other carriers at Gallup, Albuquerque, Clovis, Santa Fe, Raton, and Farmington, N. Mex. and other New Mexico points. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.E., Albuquerque, N. Mex. 87101.

No. MC 135633 (Sub-No. 9 TA) filed July 31, 1973 Applicant: NATIONWIDE AUTO TRANSPORTERS, INC. 2175 Le-moine Avenue Fort Lee, N.J. 07024 Applicant's representative: Harold G. Hernly, Jr. 118 North St. Asaph Street Alexandria, Va. 22314 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveway service, between Rubidoux, Riverside and San Fernando, Calif., on the one hand, and, on the other, all points in the United States (excluding Alaska and Hawaii), for 180 days. SUPPORTING SHIPPERS: (1) Southwind Motor Homes, Inc., 5300 Via Ricardo, Rubidoux, Calif. 92509; (2) Fireball Industries, 12087 North Canyon Road, San Fernando, Calif. 91342; and (3) Redman Recreational, 22101 Alessandro, Riverside, Calif. 92508. SEND PROTESTS TO: District Supervisor Joel Morros, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 135705 (Sub-No. 4 TA) filed July 16, 1973 Applicant: LELAND L. MELROSE doing business as MELROSE

TRUCKING COMPANY, INC. 6360 Raderville Route Casper, Wyo. 82601 Applicant's representative: Charles S. Aspinwall 430 East First St. Casper, Wyo. 82601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in pneumatic operated trailers, from the South Dakota State Cement Plant at Rapid City, S. Dak., to and between points at Douglas, Wyo., the Dave Johnston Power Plant near Glenrock, Wyo., Casper, Wyo. and the Mountain View Addition near Casper, Wyo., serving no intermediate or off-route points, for 180 days. SUPPORTING SHIPPERS: Casper Concrete, Inc., 1525 East "F" St., Casper, Wyo. 82601 and South Dakota State Cement Plant, P.O. Box 351, Rapid City, S. Dak. 57701. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Rm 1006 Federal Bldg & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 135873 (Sub-No. 2 TA) filed July 30, 1973 Applicant: KSS TRANSPORTATION CORPORATION P.O. Box 185 Rt. 1 & Adams Station No. Brunswick, N.J. 08902 Applicant's representative: George Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, rolled paper stock* for printing, newsprint, periodical inserts and business forms, from Metuchen and North Brunswick, N.J., to points in Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPERS: Webcraft Packaging, Inc., P.O. Box 185, Rt. 1 & Adams Station, North Brunswick, N.J. 08902; Publication Insert Corp.; and Filmcraft Packaging, Inc. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136643 (Sub-No. 2 TA) filed July 31, 1973 Applicant: JENI TRUCKING, INC. 111 South Kensico Avenue White Plains, N.Y. 10600 Applicant's representative: William D. Traub 10 East 40th Street New York, N.Y. 10016 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and household appliances and equipment*, from Thornwood, N.Y., to points in Fairfield, New Haven, and Litchfield Counties, Conn., and points in Bergen, Essex, Hudson, Passaic, Union, Morris and Sussex Counties, N.J., for 180 days. SUPPORTING SHIPPER: J. H. Harvey, Inc., 53 Tarrytown Road, White Plains, N.Y. 10601. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138889 (Sub-No. 1 TA) filed July 23, 1973 Applicant: RALPH DEEM doing business as DEEM TRUCKING 2616—11th Avenue Parkersburg, W. Va. 26101 Applicant's representative: John M. Friedman 2930 Putnam Avenue Hurricane, W. Va. 25526 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except commodities in bulk and those utilized in the construction and maintenance of highways and bridges), from the store and warehouse facilities of the 84 Lumber Company at or near Williamstown, W. Va., to points in Athens, Gallia, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Vinton, and Washington Counties, Ohio, for 90 days. SUPPORTING SHIPPER: The 84 Lumber Company, Williamstown, W. Va. 26187, Att. Donald C. Wilson, Manager. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

By The Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-17192 Filed 8-16-73; 8:45 am]



## CUMULATIVE LISTS OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

1 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
Ch. 1	20435	930	22131	217	20442
3 CFR		947	21644	329	20442, 20818, 22120
EXECUTIVE ORDERS:		948	21779, 21995, 22215	400	21582
6143 (revoked in part by PLO 5374)	21168	989	21390, 22132	401	21487
6276 (revoked in part by PLO 5374)	21168	993	22216	402	21489
6583 (revoked in part by PLO 5374)	21168	1050	22216	404	21490
10122 (amended by EO 11733)	20431	1421	20440, 21644	523	21391
10400 (see EO 11733)	20431	1427	21995	545	21624
11287 (amended by EO 11734)	20433	1473	20843, 21779		
11548 (superseded by 11735)	21387	1822	20440		
11708 (amended by EO 11736)	21387	PROPOSED RULES:		217	20470
11732	20429	29	22239	225	21436
11733	20431	44	21416	526	21651
11734	20433	52	21785	545	21435, 22047
11735	21243	56	20896		
11736	21387	301	21935	13 CFR	
PROCLAMATIONS:		910	22149	121	20442, 21176
4231	22115	928	22240	14 CFR	
4232	22117	931	21271, 21499	39	20443,
4233	22213	946	21648		20612, 20818, 21391, 21624, 21625,
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		959	22240		21917, 22223
Memorandum of June 29, 1973	20805	989	20898	71	20613,
4 CFR		991	22040		20818, 21392-21394, 21492, 21625,
PROPOSED RULES:		993	20899		21779, 21917, 22030, 22120, 22121,
406	21276	1050	20626		22224
5 CFR		1207	21499	73	21492, 21917, 21918
213	21170, 21621, 21776, 21933, 22215	1701	21181	97	20818, 21492, 22121
1001	20817	1826	21417	121	21493
6 CFR		8 CFR		212	20613
102	21972	212	21172	239	21394
130	20461, 21170	299	21995	378	21247
140	20609, 21592, 21933	9 CFR		PROPOSED RULES:	
150	20462,	72	21996	39	21936, 22042
	20463, 21170, 21592, 21933, 21978, 22119	73	21996	71	21181,
155	21981	74	21996		21274, 21434, 21502, 21503, 21795-
7 CFR		75	20441		21797, 21937, 21938, 22043, 22243
26	21639	76	21173	73	21938
70	22130	82	21623, 21996	75	21274
210	21777	92	20610	221	21274
215	20440, 21777	94	20610, 20612		
220	21777	203	21173	15 CFR	
225	21497, 21777	PROPOSED RULES:		377	21177
271	21917	91	22040	16 CFR	
301	21639	304	22041	13	20444, 20446, 21396, 21625-21627
409	21994	305	22041	14	20820, 21494
722	20840	317	21648, 22041	303	21779
859	21268	10 CFR		1700	21247
908	20609, 21171, 21498, 22130	19	22217	PROPOSED RULES:	
910	20841, 22131, 22215	20	22220	1100	20902
911	20840, 21642	31	22220	17 CFR	
915	21778	34	22221	1	22031
916	21389	35	22221	211	21782
917	20843, 21389	40	21176, 22221	231	21782, 22121
919	20842, 21778	50	22221	240	21250
924	21642	55	22221	241	20820, 21782
925	20842, 21643	60	21644	249a	21250
926	21389, 21643	70	22221	PROPOSED RULES:	
927	21171	115	22221	1	20626
928	21269	150	22221	210	20470
		PROPOSED RULES:		230	20903
		71	20482	239	20470
		11 CFR		240	20904
		11	22202	249	20470
		14	22202	259	20470
		19	22202		



18 CFR	Page	22 CFR	Page	40 CFR	Page
<b>PROPOSED RULES:</b>		214.....	21398	51.....	20832, 22025
2.....	21182, 21652	<b>24 CFR</b>		52.....	20835, 21918
3.....	21652	1914.....	20616,	85.....	21348, 21362
9.....	21652	21180, 21264, 21402, 21743-21745,		133.....	22298
141.....	22142	21998, 22123, 22226		180.....	21783, 22123, 22124
<b>19 CFR</b>		1915.....	21745, 21999	1500.....	20550, 21265
4.....	20821	<b>PROPOSED RULES:</b>		1510.....	21888
133.....	21396	135.....	20906	<b>PROPOSED RULES:</b>	
<b>PROPOSED RULES:</b>		<b>25 CFR</b>		30.....	21342
1.....	22032	43h.....	21403, 22227	35.....	21342
4.....	20895	<b>PROPOSED RULES:</b>		52.....	20469,
6.....	20895	243.....	22034	20752, 20758, 20766, 20769, 20779,	
24.....	20896	<b>26 CFR</b>		20789, 20851, 21505, 21803, 22045	
174.....	21785	1.....	20823, 20826, 21918	180.....	21435
<b>20 CFR</b>		<b>28 CFR</b>		202.....	20852
602.....	20614, 21920	0.....	21404, 21495	<b>41 CFR</b>	
<b>PROPOSED RULES:</b>		<b>29 CFR</b>		1-12.....	21404
405.....	20466, 21437, 21936	1601.....	20829	1-16.....	21405
416.....	21188	1952.....	21628	1-18.....	21405
422.....	21271	<b>PROPOSED RULES:</b>		4-4.....	21631
<b>21 CFR</b>		724.....	21505	5A-1.....	22124
1.....	20702, 20706, 20716, 20718	725.....	21505	8-6.....	21924
3.....	20708, 20717, 20718, 20723, 20725, 21397	1201.....	21186	14-1.....	21157, 21496
5.....	20708	1203.....	21186	14-7.....	21496
8.....	20714, 20715	1207.....	21186	14-12.....	21157
11.....	20726	1910.....	22141	15-1.....	21497
80.....	20730, 20737	1927.....	22141	15-3.....	20836
100.....	20740	<b>31 CFR</b>		15-16.....	21157
102.....	20740, 20742	<b>PROPOSED RULES:</b>		15-30.....	20836, 20837
121.....	20725,	209.....	22032	60-10.....	21633
20821, 21254, 21783, 21920, 21921,		<b>32 CFR</b>		101-32.....	22227
21997, 22122, 22224		870.....	21147, 21746	101-39.....	22229
125.....	20708, 20717	<b>32A CFR</b>		114-45.....	20617
128.....	21397	<b>PROPOSED RULES:</b>		<b>42 CFR</b>	
135.....	21178, 21397	Ch. X:		37.....	21784, 22122
135a.....	20821, 21255, 21997	Of Reg. 1.....	22237	57.....	20447
135b.....	20821, 20822, 21179	Ch. XIII:		<b>PROPOSED RULES:</b>	
135c.....	20822-20823, 21255	EPO Reg. 1.....	21797	51.....	20994
135e.....	21921, 22224	<b>33 CFR</b>		81.....	20994, 22242
141.....	21397	117.....	21631	<b>43 CFR</b>	
141b.....	21255	127.....	20831, 22123	4.....	21162
141d.....	21255	204.....	21495	17a.....	21162
141e.....	21256	207.....	21404	3110.....	22230
144.....	21398	401.....	21921, 22030	4110.....	22003
146d.....	21256	<b>PROPOSED RULES:</b>		4120.....	22003
148.....	21256	90.....	20467	4700.....	22003
148n.....	21257	117.....	21649, 21650	<b>PROPOSED RULES:</b>	
150g.....	21397	160.....	21228	6.....	22036
151c.....	21257	114-51.....	20617	3000.....	21416
278.....	21262	<b>36 CFR</b>		3200.....	21416
295.....	21264	7.....	20831, 21264	<b>PUBLIC LAND ORDERS:</b>	
<b>PROPOSED RULES:</b>		231.....	22000	5354.....	22002
1.....	20745	<b>PROPOSED RULES:</b>		5355.....	22002
3.....	21271	7.....	20896	5362.....	22002
10.....	21499	<b>38 CFR</b>		5372.....	21167
18.....	20627	3.....	20831, 21923	5373.....	21168
20.....	20745	36.....	20615, 20832	5374.....	21168
21.....	20745	<b>PROPOSED RULES:</b>		<b>45 CFR</b>	
102.....	20746, 20748	3.....	21188, 21946	5.....	22230
121.....	22041, 22241	<b>39 CFR</b>		205.....	22007
125.....	20749	113.....	21496	206.....	22009
130.....	21935	124.....	21496	233.....	22010
141b.....	21500	162.....	21496	124.....	21788
141c.....	21500	226.....	21264	129.....	21924
141e.....	21500	<b>PROPOSED RULES:</b>		185.....	21646
146b.....	21500	3.....		249.....	21413
146c.....	21500	<b>PROPOSED RULES:</b>		<b>PROPOSED RULES:</b>	
146e.....	21500	67.....	20465	67.....	20465
148i.....	21500	205.....	21936, 22042, 22141	205.....	21936, 22042, 22141
148n.....	21500	249.....	21936	249.....	21936
301.....	21271	250.....	21936, 22242	250.....	21936, 22242
311.....	21271	405.....	21936	405.....	21936

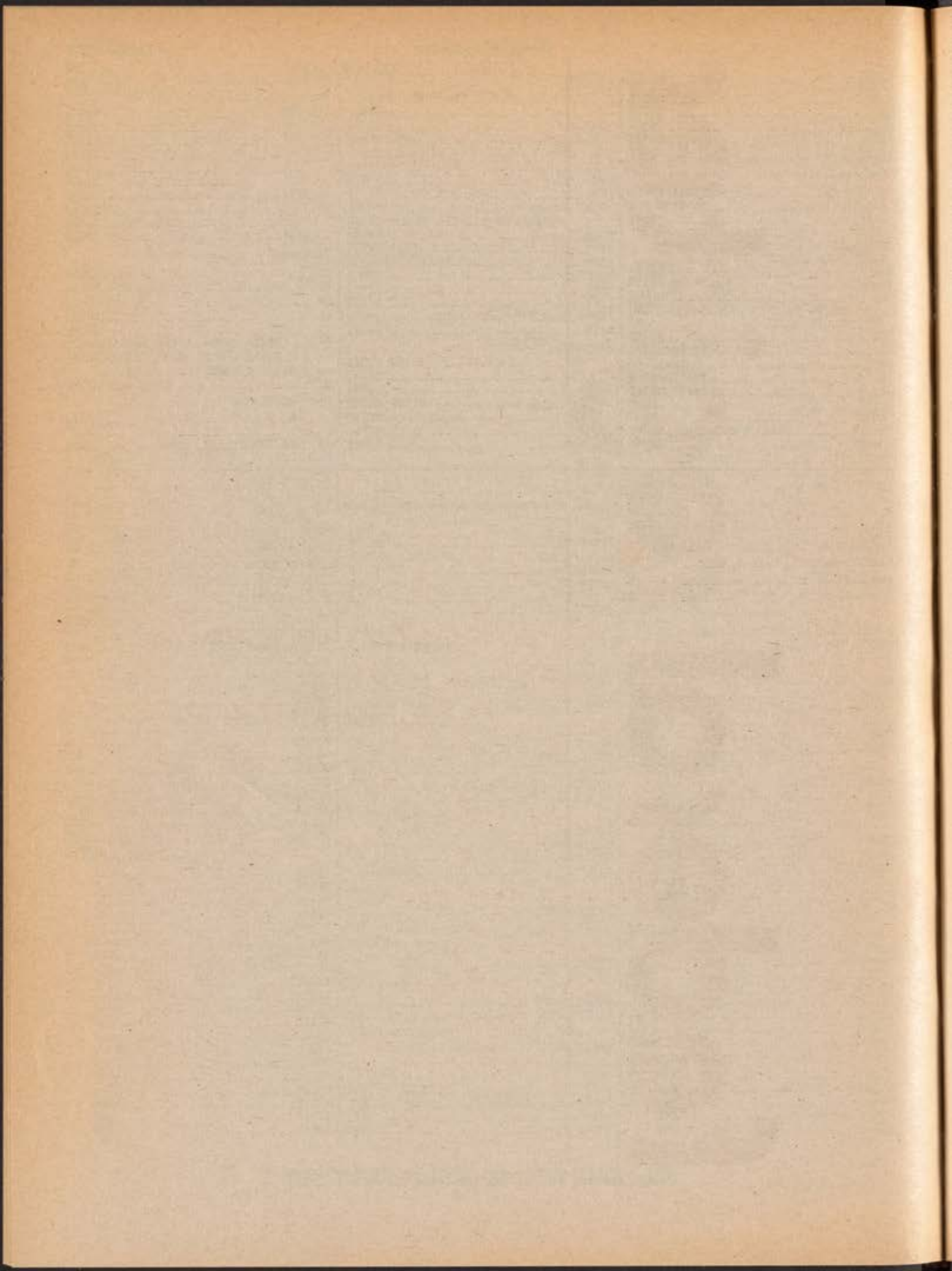


46 CFR	Page	49 CFR	Page	49 CFR—Continued	Page
72	20448	1	20449, 21413, 21930	PROPOSED RULES—Continued	
92	20448	171	21990	393	22244
160	21784	172	20838	394	22244
190	20448	173	20838, 21990	395	22244
294	20807	178	20839, 21990	395	22244
PROPOSED RULES:		571	20449, 21930, 22125	397	22244
531	21941, 22244	572	20449	575	21939
536	21941, 22244	1006	21932	581	20899
542	21941	1033	20621, 21638	1107	21436
			20622, 20840, 21170, 21414, 21932	1201	21436
		1059	21932	1310	20852
47 CFR		1107	20623, 22125		
1	22225	1203	21746	50 CFR	
2	20436, 20618	1300	21932	1	22015
73	20619, 20620, 21169, 21265, 21927, 21929, 22010, 22012	1304	21933	10	22015
76	20439	1307	21933	20	20456, 22021
87	21169, 22226	1308	21933	28	20624
89	20436, 22014	1309	21933	32	20461, 20624, 20625, 21414, 21415, 21497, 21776, 22024, 22025, 22125-22129, 22234, 22235
91	20437, 22014	PROPOSED RULES:		33	22236
93	20439, 22015	192	21182, 22044	PROPOSED RULES:	
PROPOSED RULES:		195	21182	18	22143
73	20469, 20627, 21651, 21940	Ch. II	21503	32	22036
95	22046	217	21797, 22043	216	22133
		390	22244		
		391	22244		
		392	22244		

## FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	Date	Pages	Date	Pages	Date
20423-20601	Aug. 1	21237-21380	Aug. 7	21911-21965	Aug. 14
20603-20798	2	21381-21479	8	21967-22108	15
20800-21139	3	21481-21613	9	22109-22205	16
21141-21235	6	21615-21735	10	22207-22358	17
		21737-21909	13		







# **federal register**

FRIDAY, AUGUST 17, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 159

PART II



---

## **ENVIRONMENTAL PROTECTION AGENCY**

■

### **WATER PROGRAMS**

#### **Secondary Treatment Information**



## Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

## SUBCHAPTER D—WATER PROGRAMS

PART 133—SECONDARY TREATMENT  
INFORMATION

On April 30, 1973, notice was published in the *FEDERAL REGISTER* that the Environmental Protection Agency was proposing information on secondary treatment pursuant to section 304(d)(1) of the Federal Water Pollution Control Act Amendments of 1972 (the Act). Reference should be made to the preamble of the proposed rulemaking for a description of the purposes and intended use of the regulation.

Written comments on the proposed rulemaking were invited and received from interested parties. The Environmental Protection Agency has carefully considered all comments received. All written comments are on file with the Agency.

The regulation has been reorganized and rewritten to improve clarity. Major changes that were made as a result of comments received are summarized below:

(a) The terms "1-week" and "1-month" as used in § 133.102 (a) and (b) of the proposed rulemaking have been changed to 7 consecutive days and 30 consecutive days respectively (See § 133.102 (a), (b), and (c)).

(b) Some comments indicated that the proposed rulemaking appeared to require 85 percent removal of biochemical oxygen demand and suspended solids only in cases when a treatment works would treat a substantial portion of extremely high strength industrial waste (See § 133.102(g) of the proposed rulemaking). The intent was that in no case should the percentage removal of biochemical oxygen demand and suspended solids in a 30 day period be less than 85 percent. This has been clarified in the regulation. In addition, it has been expressed as percent remaining rather than percent removal calculated using the arithmetic means of the values for influent and effluent samples collected in a 30 day period (See § 133.102(a) and (b)).

(c) Comments were made as to the difficulty of achieving 85 percent removal of biochemical oxygen demand and suspended solids during wet weather for treatment works receiving flows from combined sewer systems. Recognizing this, a paragraph was added which will allow waiver or adjustment of that requirement on a case-by-case basis (See § 133.103(a)).

(d) The definition of a 24-hour composite sample (See § 133.102(c) of the proposed rulemaking) was deleted from the regulation. The sampling requirements for publicly owned treatment works will be established in guidelines issued pursuant to sections 304(g) and 402 of the Act.

(e) In § 133.103 of the proposed rulemaking, it was recognized that secondary

treatment processes are subject to upsets over which little or no control may be exercised. This provision has been deleted. It is no longer considered necessary in this regulation since procedures for notice and review of upset incidents will be included in discharge permits issued pursuant to section 402 of the Act.

(f) Paragraph (f) of § 133.102 of the proposed rulemaking, which relates to treatment works which receive substantial portions of high strength industrial wastes, has been rewritten for clarity. In addition, a provision has been added which limits the use of the upwards adjustment provision to only those cases in which the flow or loading from an industry category exceeds 10 percent of the design flow or loading of the treatment works. This intended to reduce or eliminate the administrative burden which would be involved in making insignificant adjustments in the biochemical oxygen demand and suspended solids criteria (See § 133.103(b)).

The major comments for which changes were not made are discussed below:

(a) Comments were received which recommended that the regulation be written to allow effluent limitations to be based on the treatment necessary to meet water quality standards. No change has been made in the regulations because the Act and its legislative history clearly show that the regulation is to be based on the capabilities of secondary treatment technology and not ambient water quality effects.

(b) A number of comments were received which pointed out that waste stabilization ponds alone are not generally capable of achieving the proposed effluent quality in terms of suspended solids and fecal coliform bacteria. A few commenters expressed the opposite view. The Agency is of the opinion that with proper design (including solids separation processes and disinfection in some cases) and operation, the level of effluent quality specified can be achieved with waste stabilization ponds. A technical bulletin will be published in the near future which will provide guidance on the design and operation of waste stabilization ponds.

(c) Disinfection must be employed in order to achieve the fecal coliform bacteria levels specified. A few commenters argued that disinfectant is not a secondary treatment process and therefore the fecal coliform bacteria requirements should be deleted. No changes were made because disinfection is considered by the Agency to be an important element of secondary treatment which is necessary for protection of public health (See § 133.102(c)).

**Effective date.** These regulations shall become effective on August 17, 1973.

JOHN QUARLES,  
Acting Administrator.

AUGUST 14, 1973.

Chapter I of title 40 of the Code of Federal Regulations is amended by adding a new Part 133 as follows:

Sec.

133.100 Purpose.

133.101 Authority.

133.102 Secondary treatment.

133.103 Special considerations.

133.104 Sampling and test procedures.

**AUTHORITY:** Secs. 304(d)(1), 301(b)(1)(B), Federal Water Pollution Control Act Amendments, 1972, P.L. 92-500.

#### § 133.100 Purpose.

This part provides information on the level of effluent quality attainable through the application of secondary treatment.

#### § 133.101 Authority.

The information contained in this Part is provided pursuant to sections 304(d)(1) and 301(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 (the Act).

#### § 133.102 Secondary treatment.

The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of the parameters biochemical oxygen demand, suspended solids, fecal coliform bacteria and pH. All requirements for each parameter shall be achieved except as provided for in § 133.103.

(a) **Biochemical oxygen demand (five-day).** (1) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 30 milligrams per liter.

(2) The arithmetic mean of the values for effluent samples collected in a period of seven consecutive days shall not exceed 45 milligrams per liter.

(3) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).

(b) **Suspended solids.** (1) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 30 milligrams per liter.

(2) The arithmetic mean of the values for effluent samples collected in a period of seven consecutive days shall not exceed 45 milligrams per liter.

(3) The arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85 percent removal).

(c) **Fecal coliform bacteria.** (1) The geometric mean of the value for effluent samples collected in a period of 30 consecutive days shall not exceed 200 per 100 milliliters.



(2) The geometric mean of the values for effluent samples collected in a period of seven consecutive days shall not exceed 400 per 100 milliliters.

(d) *pH*. The effluent values for pH shall remain within the limits of 6.0 to 9.0.

**§ 133.103 Special considerations.**

(a) *Combined sewers*. Secondary treatment may not be capable of meeting the percentage removal requirements of paragraphs (a)(3) and (b)(3) of § 133.102 during wet weather in treatment works which receive flows from combined sewers (sewers which are designed to transport both storm water and sanitary sewage). For such treatment works, the decision must be made on a case-by-case basis as to whether any attainable percentage removal level can be defined, and if so, what that level should be.

(b) *Industrial wastes*. For certain industrial categories, the discharge to navigable waters of biochemical oxygen demand and suspended solids permitted under sections 301(b)(1)(A)(i) or 306 of the Act may be less stringent than the values given in paragraphs (a)(1) and (b)(1) of § 133.102. In cases when wastes would be introduced from such an industrial category into a publicly owned treatment works, the values for biochemical oxygen demand and suspended solids in paragraphs (a)(1) and (b)(1) of § 133.102 may be adjusted upwards provided that: (1) the permitted discharge of such pollutants, attributable to the industrial category, would not be greater than that which would be permitted under sections 301(b)(1)(a)(i) or 306 of the Act if such industrial category were to discharge directly into the navigable waters, and (2) the flow or loading

of such pollutants introduced by the industrial category exceeds 10 percent of the design flow or loading of the publicly owned treatment works. When such an adjustment is made, the values for biochemical oxygen demand or suspended solids in paragraphs (a)(2) and (b)(2) of § 133.102 should be adjusted proportionally.

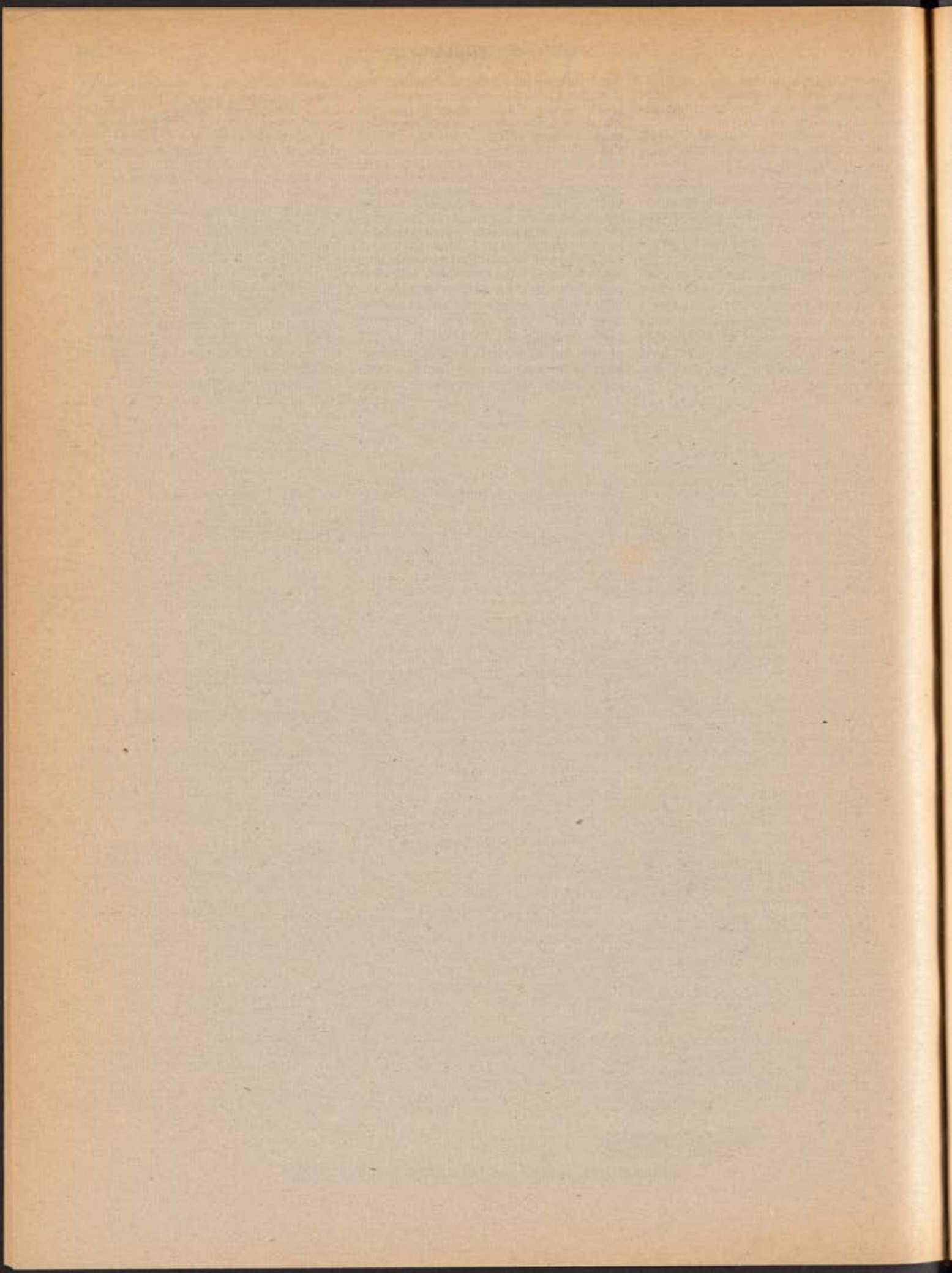
**§ 133.104 Sampling and test procedures.**

(a) Sampling and test procedures for pollutants listed in § 133.102 shall be in accordance with guidelines promulgated by the Administrator pursuant to sections 304(g) and 402 of the Act.

(b) Chemical oxygen demand (COD) or total organic carbon (TOC) may be substituted for biochemical oxygen demand (BOD) when a long-term BOD: COD or BOD:TOC correlation has been demonstrated.

[FR Doc.73-17194 Filed 8-16-73;8:45 am]







# **federal register**

FRIDAY, AUGUST 17, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 159

PART III



---

## **DEPARTMENT OF LABOR**

**Employment Standards  
Administration**



### **Minimum Wages for Federal and Federally Assisted Construction**

**GENERAL WAGE DETERMINATION  
DECISIONS; MODIFICATIONS AND  
SUPERSEDEAS DECISIONS**



## DEPARTMENT OF LABOR

## Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTIONGeneral Wage Determination Decisions;  
Modifications and Supersedeas Decisions

*General wage determination decisions.* General 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 these procedures to be impractical and contrary to the public interest.

General 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 general wage determination decisions.* Modifications and Supersedeas Decisions to General 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 General 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 General Wage Determination Decision.

*Modifications to general wage determination decisions.* Modifications to General 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):

Colorado:	
AP-904	May 11, 1973
AP-911	June 22, 1973
Delaware:	
AQ-2002	July 27, 1973
Georgia:	
AQ-4001	July 20, 1973
Illinois:	
AP-689; AP-690; AP-691;	
AP-692; AP-693; AP-	
1001; AP-1002; AP-1003;	
AP-1004; AP-1005; AP-	
1006; AP-1011	June 8, 1973
AP-1013; AP-1016	June 1, 1973
Kansas:	
AP-519; AP-520; AP-521	Mar. 23, 1973
Kentucky:	
AP-143; AP-144; AP-145;	
AP-146; AP-147	Jan. 19, 1973
Louisiana:	
AQ-8	July 27, 1973
Maryland:	
AP-856	June 22, 1973
Massachusetts:	
AP-816	May 11, 1973
Missouri:	
AQ-1	July 13, 1973
Ohio:	
AP-669; AP-670; AP-671;	
AP-672; AP-673; AP-674;	
AP-675; AP-676; AP-677;	
AP-678; AP-679; AP-680;	
AP-681; AP-682; AP-686;	
AP-687; AP-688	May 25, 1973
Pennsylvania:	
AP-488	Mar. 9, 1973
AP-818; AP-824; AP-825;	
AP-835	May 18, 1973
AQ-2000	July 13, 1973
Tennessee:	
AP-190; AP-192	May 25, 1973
Texas:	
AP-738	July 6, 1973
Utah:	
AP-254	Dec. 8, 1972

*Supersedeas decisions to general wage determination decisions.* Supersedeas Decisions to General 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):

Colorado:	
AP-296 (AQ-1014)	Apr. 27, 1973
AP-299 (AQ-1013)	May 4, 1972
AP-918 (AQ-1012)	July 6, 1973
Indiana:	
AM-371 (AQ-3000)	Aug. 13, 1971
Pennsylvania:	
AP-817 (AQ-2011); AP-	
819 (AQ-2013); AP-820	
(AQ-2012); AP-821 (AQ-	
2014)	May 18, 1973
AP-404 (AQ-2015)	July 28, 1972
AP-490 (AQ-2016)	Mar. 9, 1973

Signed at Washington, D.C. this 10th day of August 1973.

WARREN D. LANDIS,  
Assistant Administrator,  
Wage & Hour Division.



## Modifications P. 2

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-904 - Mod. #2 (38 FR 13159 - May 11, 1973) Carfield, Comstock, Mesa, Montrose, and Pitkin Counties, Colorado Change: Glaziers Ironworkers: Structural; Ornamental and Reinforcing	\$6.43  7.75  55	  60	  06	  06	
DECISION #AP-911 - Mod. #3 (38 FR 16604 - June 22, 1973) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Summit and Weld Counties, Colorado Change: Glaziers Ironworkers: Structural; Ornamental and Reinforcing Plumbers; Pipefitters: Larimer County Adams, Arapahoe, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Summit and Weld Counties Boulder County	6.43  7.75 8.05  55 50  50 50 45	  60 45  45 45  45 45 45	  50 50  50 50  50 50 50	  06 05  05 05  05 05 05	

Decision #AQ-2,002 - Mod. #2  
(38 FR 20200 - July 27, 1973)  
Statewide Delaware

CHANGE:  
Citation Mod. #7, 38 FR 21018, August  
3, 1973 to read: (38 FR 20200 - July  
27, 1973)

Bodilermakers (Kent & Sussex Co)  
Cement Masons  
Plasterers

\$8.20  
8.70  
8.57

.30  
.38  
.45

.70  
.42

.35  
.01

.01

DECISION #AQ-1,001 - Mod. #1  
(38 FR 19634 - July 20, 1973)  
Chatham County, Georgia

Change:  
Building Construction:  
Asbestos workers  
Bricklayers:  
Marble masons, terrazzo  
workers, and tile setters  
Electricians:  
Electricians  
Cable splicers  
Glaziers

\$7.15

.30

.28

5.00

7.20

7.45

5.60

.30

.30

15

15

.05

.05



Modifications P. 3

DECISION #AP-690 - (CONT'D.)

Modifications P. 4

ILL. 9-LAE-1-2-3

R

1 of 1

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
DECISION #AP-689 - Mod. #2 (38 FR 15247 - June 8, 1973) Champaign County, Illinois				
CHANGE: Electricians	.25	15+.20		.42
Ironworkers: Structural, Ornamental, & Reinforcing	.40	.60		.04
Sheet Metal Workers	.25	.275	.80	
DECISION #AP-690 - Mod. #2 (38 FR 15250 - June 8, 1973) Cook County, Illinois				
CHANGE: Bricklayers & Stonemasons Sprinkler Fitters	.40 .40	.60 .60		.03 .12
CEIL: Laborers Schedule Painters Schedule				
ADD: Painters: Brush, Tapers & Paperhangers	8.05	.375	.20	.007

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
BUILDING, HEAVY & HIGHWAY CONSTRUCTION				
Building Laborers	\$6.90	.47		
Plasterers Laborers	7.025	.47	.65	
Boiler setters Laborers	7.225	.47	.65	
Windlass, Cement gun nozzle laborers	7.05	.47	.65	
Chimney laborers (over 40)	7.00	.47	.65	
Stone handlers, derricks	7.10	.47	.65	
Jackhammers	7.125	.47	.65	
Caisson digger	7.25	.47	.65	
Scaffold laborers	7.00	.47	.65	
TUNNEL BORE, ROCK, CLAY & SUBWAY				
Dumpers, top laborers	6.90	.47	.65	
Cage tenders, skimmers, switchmen, truck layers	6.925	.47	.65	
Car pusher, concrete laborers, grout machine op., steel setters & tuggers grout laborers	7.025	.47	.65	
Signal men	6.95	.47	.65	
Pebble placer op., mortarmen muckers	7.125	.47	.65	
Air hoist op., bricklayers tender, cement (invert) laborer, concrete blower op., drillier for blasting, dynamiters, erector ops., form men, lock tenders, miners, power knife op., jackhammers, keyboard op.	7.25	.47	.65	
SEWER, DRAIN, WATER SERVICE:				
Common laborers, top laborers	6.90	.47	.65	
Concrete laborers & steel setters	7.025	.47	.65	
Cement carriers, cement mixers, mortar men, scaffolders, second bottom men	7.125	.47	.65	
Bottom men, bricklayers tenders, catch basin jiggers & rodders, form men, jackhammers, pipelayers, well point system	7.25	.47	.65	
STREET PAVING, GRADE SEPARATION, PLANT- ING, GRAVING AND LANDSCAPING:				
Laborers and helpers	6.90	.47	.65	
Form setters on pavement work, jackhammers (concrete)	7.175	.47	.65	
Rakers, linemen, bottlenet, mixer- men, frummen, jackhammers (asphalt)	7.175	.47	.65	



## Modifications P. 5

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-691 - Mod. #2 (38 FR 15256 - June 8, 1973) DuPage County, Illinois CHANGE: Sprinkler Fitters LABORERS:	.40	.60	.12		
Building Laborers, Grade Separation Laborers, Sewer & Water Laborers, Building Laborers, Pumps for De-watering and other Unclassified Laborers					
Cement Gun Laborers, Scaffold Laborers, Chimney Laborers (over 40')	.47	.65			
Cement Gun Laborers (Gunite), Windlass Men, Plasterers' Laborers	.47	.65			
Stone Derricks & Handlers	.47	.65			
Plumbers' Laborers, Jackhammer, Power Driven Concrete Saws, Tamers and Pneumatic Tools, Concrete Vibrators	.47	.65			
Firebrick and Boiler Setter Laborers	.47	.65			
Caisson Diggers, Well Point System Men, Chimney Laborers (on Firebrick)	.47	.65			
Boiler Setter Plastic Laborers	.47	.65			

## Modifications P. 6

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-692 - Mod. #2 (38 FR 15260 - June 8, 1973) Kane County, Illinois CHANGE: Carpenters: Carpenters, Soft Floor Layers, Millwrights & Piledriversmen Laborers: Common Power Vibrator Jackhammer & Airspade Operator Chain Saw Mortar Mixers Dynamite & Caisson Laborers Tile Layers & Bottom Men	.35	.53			
	.47	.41			
	.47	.41			
	.47	.41			
	.47	.41			
	.47	.41			
	.47	.41			
	.47	.41			
DECISION #AP-693 - Mod. #1 (38 FR 15263 - June 8, 1973) Lake County, Illinois CHANGE: Carpenters & Soft Floor Layers Millwrights & Piledriversmen Plumbers Sprinkler Fitters: Within 30 mile radius of Chicago City Hall Tile Setters' Helpers CREDIT: Laborers Schedule Painters Schedule ADD: Painters: Brush Drywall Tapers & Paperhangers	.50	.63			.06
	.50	.63			.06
	.35	.35			.07
	.40	.60			.12
	.30-5/8	.425			
	.375	.20			.007
	.375	.20			.007



Modifications P. 7 ILLINOIS-25-LABORERS-1-2-3 H

DECISION #AP-693 - (CONT'D)

LABORERS:

BUILDING:  
Building Laborers, General Laborers,  
Wrecking and Demolition, Fireproofing  
& Fire Shop Laborers

Firebrick & Boiler Setter Laborers

Boiler Setter Plastic Laborers, Stone  
Derrickmen & Handlers

Caisson Diggers, Well Point System,  
Chimney Laborers on Firebrick

Chimney Laborers (over 40') Scaffold  
Laborers, Wall Man or Wreckers

Windlass and Operator

Plaster Laborers

Jackhammer Men, Power Driven Concrete  
Saws

Cement Gun Nozzle Laborers (Gunnite)

STREET PAVING, GRADE SEPARATION, SEWERS  
& WATER MAIN EXTENSIONS

General Laborers, Asphalt Plant Laborers,  
Flagmen, Asphalt Laborers, Top Laborers

Form Setters, Well Point System, Jack-  
hammermen & Bottom Men, Pipelayers on  
drains, Catch Basin Diggers, Pipelayer  
Men, All Tunnel Work, Power Driven  
Concrete Saws

Second Bottom Man

Tampers, Smoothers & Cement Gun Laborers

Rackers, Luteners, Machine Screwmans &  
Mitre Box Spreaders

Modifications P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Asp. Tr.
DECISION #AP-1001 - Mod. #1 (38 FR 12594 - June 8, 1973) Mill County, Illinois					
CHANGES:					
Carpenters & Soft Floor Layers	\$9.00	.35	.75		
Millwrights & Piledriversmen	9.00	.35	.75		
Plumbers:					
Remainder of County	9.87	.40	.30		.05
Pipefitters:					
Remainder of County	9.63	.47	.50		.02
Tile Setters' Helpers	7.60	.30-5/8	.425		
<u>LABORERS:</u>					
<u>CLASS 1</u> Tunnel miners & all laborers inside tunnel, compressed air laborers, air blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe lay- ers-multiple concrete duct or any other type of pipe used on public utility work-8 ft. or more below ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdams, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft. all air tools 8 ft. or more below ground level & all laborers on swinging & suspended scaffolds, chimney & silo laborers working at a height of 48 to 100 ft., all all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 ft. to 100 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	\$7.15	.47	.65		
Chimney & silo laborers for every addi- tional 50 ft., or any part thereof above 100 ft. high-additional .50 per hour					
All laborers working inside of a sphere or any type of tank for every addi- tional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour					
All laborers working on swinging- suspended or any type or make of scaf- folds for every additional 50 ft. or part thereof above 100 ft. in height- additional .50 per hour					



## Modifications P. 9

## Modifications P. 10

Basic Hourly Rates	Fringe Benefits Payments				On
	H & W	Pensions	Vacation	App. Tc.	
\$7.10	.47	.65			
7.00	.47	.65			
7.40	.47	.65			
7.65	.47	.65			

## LABORERS - Continued:

## CLASS II

Asphalt rikers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers

## CLASS III

Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on utility work, ground level down to 8 ft., blasting men helpers, pump-crete pipe handlers

## CLASS IV

Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.

## CLASS V

Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)

## CLASS VI

Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work-ground level down to 8 ft., catch basin & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, chain & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheelers), wagon & tower drill helpers, kettlemen & tar-men, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), salamander tenders for any purpose, water pumps, rip rap, electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, except road form setting

## LABORERS - Continued:

Setting center strips, contraction & expansion joints (road work), unloading & handling thereof of the following: brick, transite materials cast from water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type or make of scaffolding one foot to 48 ft., all laborers working inside a sphere or any type or make of tank-minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 ft.- minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete or asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic electric & air or any other type of tools, grouting & caulsing, carpenters helpers, cleaning lumber, nail pulling, deck band, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flagmen on all const. work defined herein, cleaning of debris, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking & demolition laborers, all landscaping, laying or sod, and planting of trees

\$6.90

.47

.65



Modifications P. 11

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Other
		H & W	Pensions	Vacation			
<u>DECISION #AP-1002 - Mod. #1</u> (38 FR 15298 - June 8, 1973) Minnehago County, Illinois							
<u>CHANGE:</u>							
Electricians	88.70	.25	13+.15	.50	.11		
Clinicians	6.85	.30	.20		.02		
Painters:							
Brush & Roller	7.30	.20					
Swing Scape, Belt Work, Flagpole,							
Sandblasting & Open Structural	7.55	.20					
Spray	7.85	.20					
Plasterers	7.18	.20	.50		.03		
Plumbers & Steamfitters	7.75	.35	.40				
Sheet Metal Workers:							
Eastern 1/2 of County	7.94	.20	.40	.50	.01		
<u>BUILDING LABORERS</u>							
<u>CLASS I</u>							
Common Laborers, Rod & Chain Men	\$6.10	.20	.20		.035		
<u>CLASS II</u>							
Concrete Puddlers & Initial Placement, Cement Dumpers & Handlers, Air and Mechanical Tools, Pump Creté, 6' to 12' below ground, Mortar Mixer, Mechanical Buggies	6.25	.20	.20		.035		
<u>CLASS III</u>							
Jackhammer, Tile & Sewer Layers, Bottommen, Concrete Workers, Work 25' to 35' above ground, 12' to 18' below ground, Concrete Saw, Stone Derrick- men, Pre-Cast or Pre-Stressed Concrete Members	6.40	.20	.20		.035		
<u>CLASS IV</u>							
Caisson & Cofferdam Workers Work 35' to 50' above ground Burning Bar Work 50' to 75' above ground 18' and over below ground Work 75' to 100' above ground	6.55 6.60 6.70 6.85 6.90 7.10	.20 .20 .20 .20 .20 .20	.20 .20 .20 .20 .20 .20		.035 .035 .035 .035 .035 .035		

DECISION #AP-1003 - Mod. #2  
(38 FR 15302 - June 8, 1973)  
Cook County, Illinois

CHANGE:

Bricklayers & Stonemasons  
Sprinkler Fitters  
Painters: Brush & Paperhangers

LABORERS:

Building Laborers  
Plasterers Laborers  
Boiler setters Laborers  
Windlass, Cement gun nozzle laborers  
Chimney laborers (over 40)  
Stone handlers, derrickmen  
Jackhammermen  
Caisson digger  
Scaffold laborers

TUNNEL WORK, ROCK, CLAY & SUBWAY

Dumpmen, top laborers  
Cage tenders, skimmers, switchmen,  
truck layers  
Car pusher, concrete laborers, grout  
machine op., steel setters &  
tuggers grout laborers  
Signal men  
Fibble placer op., mortarmen muckers  
Air hoist op., bricklayers tender,  
cement (invert) laborer, concrete  
blower op., drillier for blasting,  
dynamiters, erector ops., form men  
lock tenders, miners, power knife  
op., jackhammermen, keyboard op.

SEWER, DRAIN, WATER SERVICE

Common laborers, top laborers  
Concrete laborers & steel setters  
Cement carriers, cement mixers,  
mortar men, scaffolders, second  
bottom men  
Bottom men, bricklayers tenders,  
catch basin jiggers & rodders, form  
men, jackhammermen, pipelayers,  
well point system

STREET PAVING, GRADE SEPARATION, PLANT-

INC. GRADING AND LANDSCAPING

Laborers and helpers  
Form setters on pavement work,  
Jackhammermen (concrete)  
Rakers, foremen, kettlemen, mixer-  
men, foreman, jackhammermen  
(asphalt)



Modifications P. 14

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tc.		M & W	Pensions	Vacation	App. Tc.
DECISION #AP-1005 - Mod. #2 (38 FR 15309 - June 8, 1973) Kane County, Illinois					\$9.035	.35	.53		
CHANGE: Carpenters: Carpenters, Soft Floor Layers, Millwrights & Piledrivers Laborers: Common Power Vibrator Jackhammer & Airspade Operator Chain Saw Mortar Mixers Dynamite & Caisson Laborers Tile Layers & Bottom Men				.12	6.90 7.00 7.15 7.15 7.05 7.40 7.25	.47 .47 .47 .47 .47 .47 .47	.41 .41 .41 .41 .41 .41 .41		
DECISION #AP-1006 - Mod. #1 (38 FR 15312 - June 8, 1973) Lake County, Illinois									
CHANGE: Carpenters & Soft Floor Layers Millwrights & Piledrivers Plumbers Sprinkler Fitters: Within 30 mile radius of Chicago City Hall Tile Setters' Helpers					9.15 9.15 9.22 9.50 7.50	.50 .50 .35 .40 .30-5/8	.63 .63 .35 .60 .425		.06 .06 .07 .12
OMI: Laborers Schedule Painters Schedule									
ADD: Painters: Brush Drywall Tapers & Paperhangers					8.05 8.05	.375 .375	.20 .20		.007 .007

Modifications P. 13

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tc.		M & W	Pensions	Vacation	App. Tc.
DECISION #AP-1004 - Mod. #2 (38 FR 15305 - June 8, 1973) DuPage County, Illinois					\$9.50	.40	.60		.12
CHANGE: Sprinkler Fitters									
LABORERS: Building Laborers, Grade Separation Laborers, Sewer & Water Laborers, Building Laborers, Pumps for De- watering and other Unclassified Laborers Cement On Laborers, Scaffold Laborers, Chimney Laborers (over 40')					\$6.90 7.00 7.05 7.10	.47 .47 .47 .47	.65 .65 .65 .65		
Cement On Laborers (Gumite), Wind- lass Men, Plasterers' Laborers Stone Derricks & Handlers Plumbers' Laborers, Jackhammer, Power Driven Concrete Saws, Tampers and Pneumatic Tools, Concrete Vi- brators Firebrick and Boiler Setter Laborers Caisson Diggers, Well Point System Men, Chimney Laborers (on Firebrick) Boiler Setter Plastic Laborers					7.15 7.25 7.25 7.35	.47 .47 .47 .47	.65 .65 .65 .65		



Modifications P. 15

Modifications P. 15

DECISION #AP-1006 (CONT'D)

ILLINOIS-25-LABORERS-1-2-3

H

BUILDING: LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Vacation	App. Tr.	App. Tr.	
Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers	\$6.90	.47	.65			
Firebrick & Boiler Setter Laborers	7.225	.47	.65			
Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers	7.35	.47	.65			
Caisson Diggers, Well Point System, Chimney Laborers on Firebrick	7.25	.47	.65			
Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers	7.00	.47	.65			
Windlass and Operator	7.20	.47	.65			
Plasters Laborers	7.025	.47	.65			
Jackhammer Men, Power Driven Concrete Saws	7.125	.47	.65			
Cement Gun Nozzle Laborers (Gunmite)	7.05	.47	.65			
<u>STREET PAVING, GRADE SEPARATION, SEWERS &amp; WATER MAIN EXTENSIONS</u>						
General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers	6.90	.47	.65			
Form Setters, Well Point System, Jack- hammermen & Bottom Men, Pipelayers on drains, Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws	7.25	.47	.65			
Second Bottom Men	7.125	.47	.65			
Tampers, Smoothers & Cement Gun Laborers	6.975	.47	.65			
Rackers, Lutesmen, Machine Screws & Mitre Box Spreaders	7.175	.47	.65			



## Modifications P. 17

100



Modifications P. 20

Basic Hourly Rates	Fringe Benefits Payments				Fringe Benefits Payments
	H & W	Fansions	Vacation	App. To	
TRUCK DRIVERS: (CONT'D)					
GROUP 4 Drivers on heavy equipment over 16 cu. yds. or 24 tons such as Koehring or similar dumpsters; track trucks; euclids; hug-bottom dumps; Tournarockers; or similar pulls; Tournarockers; or similar equipment when used for transportation purposes, and drivers on oil distribution, 1 man operation, pole trailers over 8-wheel water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	\$6.95	.35			
FOOTNOTE: a. EMPLOYER CONTRIBUTES \$10.00 PER WEEK PER EMPLOYEE.					
DECISION #AP-1016 - Mod. #2 (38 FR 14573 - June 1, 1973) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois					
CHANGE: Carpenters & Pile-drivers: Maintenance of District #6	\$7.80	.35	.45		.05

Modifications P.19

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Fansions	Vacation	App. To	
DECISION #AP-1013 - Mod. #3 (38 FR 14552 - June 1, 1973) Bureau, Carroll, Henry, Jellardess, Lee, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties. CHANGE: ROCK ISLAND, HENRY & WHITE COS: CARROLL CO., N. OF RT. #72 & E. OF RT. #78; JORDANESS CO: E. OF RT. #78; LEE CO., E. OF RT. #51 & OGLE CO., W. OF RT. #51 GROUP 1 Drivers on 4-wheel trucks, dumpsters, scooped-5 cu. yds & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opt., & driver on pilot trucks	\$6.35	.35			
GROUP 2 Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, euclids, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & incl. 6½ cu. yds., fork-lift, 4 wheel "A" frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-set or dry - over 2; up to & incl. 4-34E batches	6.55	.35			
GROUP 3 Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & incl. 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, euclids, hug-bottom dumps, Tournarockers, Tournarollers, Tournarockers, Tractor-trailers, tandems, "A"-frames, tandem winch trucks, hydro lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.75	.35			



Modifications P. 22

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. T.		H & W	Pension	Vacation	App. T.
DECISION #AP-143 - Mod. #2 (38 FR 2033 - January 19, 1973) Alair, Barren, Bell, Casey, Clay, Clin- ton, Cumberland, Estill, Garrard, Green, Harlan, Hart, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Menifee, Metcalfe, Monroe, Owsley, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, & Wolfe Counties, Kentucky Change: Heavy Construction: Power Equipment Operators Class A Class B Class C	.25 .25 .25				\$7.60 6.11 5.67	.25 .25 .25	.25 .25 .25		
DECISION #AP-144 - Mod. #2 (38 FR 2037 - January 19, 1973) Breathitt, Floyd, Knott, Letcher, Magoffin, Martin, Perry and Pike Counties, Kentucky Change: Heavy Construction: Power Equipment Operators Class A Class B Class C	.25 .25 .25				7.60 6.11 5.67	.25 .25 .25	.25 .25 .25		
DECISION #AP-145 - Mod. #2 (38 FR 2040 - January 19, 1973) Allen, Ballard, Butler, Caldwell, Callaway, Carlisle, Christian, Crit- tenden, Davies, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlen- berg, Ohio, Simpson, Todd, Trigg, Union, Warren, and Webster Counties, Kentucky Change: Heavy Construction: Power Equipment Operators Class A Class B Class C	.25 .25 .25				7.60 6.11 5.67	.25 .25 .25	.25 .25 .25		

Modifications P. 21

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	App. T.		H & W	Pension	Vacation	App. T.
DECISION #AP-519 - Mod. #1 (38 FR 7732 - March 23, 1973) Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Champanque, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabunsee, Washington, Wilson and Woodson Counties, Kansas Change: Description of Work to Read: Highway and Water and Sewer Line Construction									
DECISION #AP-520 - Mod. #1 (38 FR 7733 - March 23, 1973) Sedgewick County, Kansas Change: Description of Work to Read: Highway and Water and Sewer Line Construction									
DECISION #AP-521 - Mod. #1 (38 FR 7734 - March 23, 1973) Barber, Barton, Chayenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Sevier, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Mitcha Counties, Kansas Change: Description of Work to Read: Highway and Water and Sewer Line Construction									







Modifications P. 25

Decision #AP-856 - Mod. #4  
(38 FR 16612 - June 22, 1973)  
Baltimore City and Baltimore  
County, Maryland

## CHANGE:

Carpenters  
Millwrights  
Piledrivers  
Soft floor layers - resilient  
floor layers  
Laborers:  
Laborers  
Hod carriers  
Plasterers laborers  
Power tool operator  
Pipelayers (concrete & clay)  
Wagon drill operator

## ADD:

Laborers:  
Mason tenders  
Scaffold builders

DECISION #AP-816 - Mod. #5  
(38 FR 12558 - May 11, 1973)  
Worcester County, Massachusetts

Change:  
Pipefitters

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$7.79	.44	.35		.05	
7.79	.44	.35		.05	
7.79	.44	.35		.05	
7.79	.44	.35		.05	
5.60	.275	.30		.05	
5.90	.275	.30		.05	
5.65	.275	.30		.05	
5.70	.275	.30		.05	
5.80	.275	.30		.05	
5.85	.275	.30		.05	
5.80	.275	.30		.05	
6.05	.275	.30		.05	
\$9.725	.35	.25		.05	

Modifications P. 26

DECISION #AQ-1 - Mod. #1  
(38 FR 18788 - July 13, 1973)  
Adair, Andrew, Atchison, Audrain,  
Barry, Barton, Bates, Benton,  
Bollinger, Boone, Buchanan, Butler,  
Caldwell, Callaway, Camden, Cape  
Girardeau, Carroll, Carter, Cedar,  
Chariton, Christian, Clark,  
Clinton, Cole, Cooper, Crawford,  
Dade, Dallas, Daviess, DeKalb,  
DeSt. Douglas, Dunklin, Franklin,  
Gasconade, Gentry, Greene, Grundy,  
Harrison, Henry, Hickory, Holt,  
Howard, Howell, Iron, Jefferson,  
Johnson, Knox, Laclede, Lafayette,  
Lawrence, Lewis, Lincoln, Linn,  
Livingston, McDonald, Macon,  
Madison, Maries, Marion, Mercer,  
Miller, Mississippi, Moniteau,  
Monroe, Montgomery, Morgan, Moy,  
Madrid, Newton, Nodaway, Oregon,  
Osage, Ozark, Femiscot, Perry,  
Pattis, Phelps, Pike, Polk,  
Polaski, Putnam, Ralls, Randolph,  
Raynolds, Ripley, St. Clair,  
St. Francois, Ste. Genevieve,  
Saline, Schuyler, Scotland, Scott,  
Shannon, Shelby, Stoddard, Stone,  
Sullivan, Taney, Texas, Vernon,  
Warren, Washington, Wayne, Webster,  
Worth and Wright Counties, Missouri

## Change:

Carpenters & Piledrivers:  
Franklin and Jefferson Counties  
Lincoln, Pike, St. Francois,  
Warren and Washington Counties  
Lafayette County

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
\$8.16	.30	.30		.03	
8.16	.30	.30		.03	
7.92	.33	.30		.03	



Modifications P. 28

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tn.		H & W	Pensions	Vacation	App. Tn.
DECISION #AP-669 - Mod. #2 (38 FR 13991 - May 15, 1973) Butler County, Ohio					\$9.15	.45			
Change: Marble Setters					9.26	.55	.65		.04
Plumbers & Steamfitters					9.45	.45	.50		.05
South 1/4 of county									
North 1/4 of county									
DECISION #AP-670 - Mod. #2 (38 FR 13996 - May 15, 1973) Clark County, Ohio					8.35	.30	.35		.02
Change: Carpenters & soft floor layers					8.65	.30	.35		.02
Millwrights					8.65	.30	.35		.02
Pile drivers					8.70				
Cement masons (building)					8.70				
Marble setters					8.70				
Plasters					8.95	.40	.65		.02
Ironworker - West 3/4 of county					9.60	.40	.85		.01
Ironworker - East 1/4 of county					8.75	.45	.25		.01
Roofers Composition & Waterproofing					8.97	.45	.25		.15
Roofers, Slate, Tile & asbestos					8.65	.40	.50		
Sheet metal workers					7.10	.10	.25		
Painters:					7.45	.10	.25		
Brush					7.65	.10	.25		
Swing stage					7.80	.10	.25		
Paperhanging & structural steel					8.00	.10	.25		
Spray painting					8.45	.10	.25		
Hanging vinyl									
Steeple Jack									

Modifications P. 27

DECISION #AQ-1 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tn.		H & W	Pensions	Vacation	App. Tn.
Atchison, Andrew, Barry, Barton, Batas, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dede, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Odaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth and Wright Counties	.33	.30		.03	\$7.12	.33	.30		.03
Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties	.30	.30		.03	7.15	.30	.30		.03
Boone, Cooper & Howard Counties	.20			.03	7.55	.20			.03
Adair, Adair, Benton, Callaway, Chariton, Clark, Cole, Knox, Lewis, Linn, Macon, Marion, Miller, Moniteau, Monroe, Morgan, Osage, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties	.33			.03	7.42	.33			.03
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties	.23			.03	7.32	.23			.03
Ironworkers: Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties: Structural; Ornamental; & Reinforcing	.30	.30			7.65	.30	.30		



## Modifications P. 29

FEDERAL REGISTER, VOL. 38, NO. 159—FRIDAY, AUGUST 17, 1973



## Modifications P. 32

Basic Hourly Rates	Fringe Benefits Payments				Ohio
	M & V	Pensions	Vacation	App. Tr.	
DECISION #AP-680 - Mod. #2 (38 FR 14038 - May 25, 1973) Stark County, Ohio					
Change:					
Carpenters	.30	.30			
Ironworkers (Structural, Ornamental & Reinforcing)	.40	.40			.02
Millwrights & Piledrivers	.30	.30			.02
Plumbers & Steamfitters					
Canton & vicinity	.35	.30	2.		.04
DECISION #AP-681 - Mod. #2 (38 FR 14042 - May 25, 1973) Summit County, Ohio					
Change:					
Bricklayers & Stonemasons	.45	.40			.02
Bricklayers, sewer	.45	.40			.02
Cable Splicers	.37	12+.50			2/100ft
Electricians & linemen	.37	12+.50			2/100ft
Painters: North of East West Turnpike:					
Brush, rollers & paperhangers	.48	.39			
Structural steel & bridges	.48	.39			
Plumbers - North of route 303	.55	.70			.02
DECISION #AP-682 - Mod. #2 (38 FR 14047 - May 25, 1973) Trumbull County, Ohio					
Change:					
Carpenters	.30	.50			.02
Millwrights & Piledrivers	.30	.50			.02
Cement Masons (Liberty & Hubbard tops)	.40				.01
Electricians (Liberty & Hubbard tops)	.35	12+.45			3/100
Electricians (Remainder of County)	.35	5%			.11
Elevator Constructors	.345	.23	27a+b		.015
Elevator Constructors Helpers	.345	.23	27a+b		.015
Elevator Constructors Helpers (Prob)	4.295				

## Modifications P. 31

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & V	Pensions	Vacation	App. Tr.		M & V	Pensions	Vacation	App. Tr.
DECISION #AP-677 - Mod. #2 (38 FR 14026 - May 25, 1973) Mahoning County, Ohio									
Change:									
Carpenters	.30	.50		.02	8.31	.30	.50		.02
Millwrights & Piledrivers	.30	.50		.02	9.01	.30	.50		.02
Electricians									
Remainder of County	.35	5%	3/100ft		9.42	.35	5%	3/100ft	
Ironworkers, Structural, ornamental and reinforcing	.35	.45		.05	9.37	.35	.45		.05
Plumbers	.35	.40	1.25	.04	8.26	.35	.40	1.25	.04
Roofers	.35	.50		.01	8.02	.35	.50		.01
Soft floor layers	.30	.50		.02	8.13	.30	.50		.02
DECISION #AP-678 - Mod. #2 (38 FR 14029 - May 25, 1973) Washington County, Ohio									
Change:									
Carpenters & Soft floor layers	.30	.20		.02	8.20	.30	.20		.02
Millwrights & Piledrivers	.30	.20		.02	8.70	.30	.20		.02
Cement Masons (Building)	.40	.20		.03	7.85	.40	.20		.03
DECISION #AP-679 - Mod. #2 (38 FR 14033 - May 25, 1973) Portage County, Ohio									
Change:									
Electricians-Townships of Charleston Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	.35	5%		1/100ft	9.73	.35	5%		1/100ft
Electricians & linemen (Remainder of County)	.37	12+.50		2/100ft	9.38	.37	12+.50		2/100ft
Glaziers	.25	.55		.01	9.11	.25	.55		.01
Ironworkers (Ravenna Ordnance Depot)	.35	.45		.05	9.37	.35	.45		.05
Marble setters' helpers	.52	.60			8.30	.52	.60		
Millwrights & Piledrivers	.47				7.80	.47			
Terrazzo workers & Tile setters	.52				9.70	.52			
Terrazzo workers & tile setters helpers	.52				8.30	.52			
					7.80				



Modifications P. 34

DECISION #AP-688 - Mod. #1 (38 FR 14047 - May 25, 1973) Trumbull County, Ohio	Basic Hourly Rates	Fringe Benefits Payments				Ohio
		H & W	Pensions	Vacation	App. Tr.	
Change:						
Bricklayers & Stonemasons	8.20	.35	.20			.02
Bricklayers, sawmen	8.45	.35	.20			.02
Carpenters	8.31	.30	.50			.02
Millwrights & Piledrivers	9.01	.30	.50			.02
Cement masons (liberty & Hubbard taps)	8.16	.40				.01
Electricians (liberty & Hubbard taps)	9.62	.35	15-42%			3/10%
Electricians (Remainder of county)	9.73	.35	5%			.11
Elevator Constructors	8.59	.345	.23		27a+b	.015
Elevator Constructors helpers	8.01	.345	.23		27a+b	.015
Elevator Constructors helpers (prob)	4.295					

Modifications P. 33

DECISION #AP-686 - Mod. #2 (38 FR 14000 - May 25, 1973) Cuyahoga County, Ohio	Basic Hourly Rates	Fringe Benefits Payments				Ohio
		H & W	Pensions	Vacation	App. Tr.	
Change:						
Carpenters, Millwrights Piledrivers	99.70	.47	.60		.03	
Cement Masons (Building)	10.48					
Electricians	9.90	.45	.32+12		.02	
Laborers:						
Laborers, construction	7.62	.97	.50			
Concrete operator, Blasters and shooters, calisson, wall cylinders mine workers without air, cofferdams	7.94	.97	.60			
Muckers, Jackhammers, Acetylene burners,	7.82	.97	.60			
Power driven tools vibrator,	7.77	.97	.60			
Sewer & utility laborers	7.87	.97	.60			
Swinging scaffolds	8.12	.97	.60			
Topman on free standing radial stack	8.92	.48	.39			
Painters:	9.62	.48	.39			
Brush & paperhangers Rollers	9.22	.48	.39			
Structural steel & bridge	9.42	.75	.70			
Siding stage & box chair	9.53	.55	.70			
Pipefitters & Sprinkler fitters						
Plumbers						
Change:						
Carpenters	8.31	.30	.50		.02	
Millwrights & Piledrivers	9.01	.30	.50		.02	
Electricians:						
Smith-township	8.90	.30	12+10		2/10-offix	
Remainder of County	9.42	.35	5%		3/10-offix	
Ironworkers, Structural, Ornamental, & reinforcing	9.37	.35	.45		.05	
Plumbers	8.26	.35	.40	1.25	.04	
Roofers	8.02	.35	.50		.01	
Soft floor layers	8.13	.30	.50		.02	

DECISION #AP-687 - Mod. #1  
(38 FR 14016 - May 25, 1973)  
Mahoning County, Ohio



## Modifications P. 36

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.		M & W	Pensions	Vacation	App. Tr.
Decision #AP-818 - Mod. #4 (38 FR 13283 - May 18, 1973) Luzerne County, Pennsylvania					\$6.52	.25	.25		
Laborers: Remainder of County Unskilled laborers Semi-skilled laborers, Pneumatic pump or under, handling and mixing of all material used by masons from stock pile to mason, Non metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, Handling of burning torches, asphalt or other hot material, cement finishers and blasters helpers Plasterers tender, blaster, wagon drill ops; scaffold builders Wracking or demolition Mason tenders & scaffold builders					6.72 6.84 6.62 6.92	.25 .25 .25 .25	.25 .25 .25 .25		
Decision #AP-824 - Mod. #2 (38 FR 13299 - May 18, 1973) Dauphin County, Pennsylvania									
CRANCE: Laborers: Construction Laborers Air, fuel and electric tool operators, pipelayers, power-buggy, precast slab placers and signal men Brick, stone, plaster and cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump and conveyors, blasters, casisson workers, wagon air track and diamond point drill operators burning torches, green cutting machine, steam jenny, sandblasting nursery workers, window washers, floor scrubbers and watchmen					\$5.85 6.00 6.32 5.50	.20 .20 .20 .20	.25 .25 .25 .25		

## Modifications P. 35

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments							
	M & W	Pensions	Vacation	App. Tr.		M & W	Pensions	Vacation	App. Tr.				
Decision #AP-488 - Mod. #3 (38 FR 6620 - March 9, 1973) Lackawanna County, Pennsylvania													
CRANCE:													
Laborers (0 miles to court house)													
Unskilled Laborers					\$6.05	.48	.50						
Semi-skilled Laborers: Jackhammer operators, (each man when two required for operation of Jackhammer). Vibrator and Buster Men, Wagon Drill and all men handling dynamite. Gas buggies, 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools.					6.20	.48	.50						
Plaster tenders and Mason tenders and handling of all material to be used by Masons					6.45	.48	.50						
Scaffold Builders					6.45	.48	.50						
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone vitrified concrete, handling of burning torches, asphalt or other material.					6.20	.48	.50						
Laborers (over 13 miles from Scranton)													
Unskilled Laborers					6.45	.48	.50						
Semi-skilled Laborers: Jackhammer operators, (each man when two required for operation of Jackhammer). Vibrator and Buster Men, Wagon Drill and all men handling dynamite. Gas buggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools.					6.60	.48	.50						
Plaster tenders and Mason tenders and handling of all material to be used by Masons					6.85	.48	.50						
Scaffold Builders					6.85	.48	.50						
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other material					6.60	.48	.50						



Modifications P. 37

Decision #AP-825 - Mod. #2  
(38 FR 13301 - May 18, 1973)  
Cumberland County, Pennsylvania

## CHANGE:

Laborers:  
Construction Laborers  
Air, fuel and electric tool operators,  
pipelayers, power-buggy, precast slab  
placers and signal men  
Brick, stone, plaster and cement mason  
tenders, machine mixers, stockers,  
scaffold builders, plaster pump and  
conveyors, blasters, caisson workers,  
wagon air track and diamond point drill  
operators burning torches, green cut-  
ting machine, steam jenny, sandblasting  
Nursery workers, window washers, floor  
scrubbers and watchmen

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tc.	
\$5.85	.20	.25			
6.00	.20	.25			
6.32	.20	.25			
5.50	.20	.25			
\$5.90	.20	.20			
6.15	.20	.20			
6.24 6.40	.20 .20	.20 .20			

Decision #AP-835 - Mod. #3  
(38 FR 14066 - May 25, 1973)  
Lehigh County, Pennsylvania

## CHANGE:

Laborers, building:  
Unskilled laborers  
Operator of jackhammer paving break-  
ing & other pneumatic & mechanical  
tools, wagon drills, & men handling  
dynamite, handling & using, cutting  
& burning torches in the wrecking of  
buildings, laying of all clay, terra  
cotta, ironstone, vitrified concrete  
or non-metallic pipe & the making of  
joints for same & cofferdams (below  
10 feet)  
Plaster & mason tenders, scaffold  
builders, & handling of all materials  
to be used by plasterers & masons,  
brick & blocks loaded on pallets,  
cement finishers tenders, gunning  
and molder-D, & sand blasters helpers  
Barke tamper operator

Modifications P. 38

Decision #AQ-2,000 - Mod. #2  
(38 FR 18852 - July 13, 1973)  
Berks County, Pennsylvania

## CHANGE:

Laborers:  
Blasters  
Cofferdam (below 10'), tunnel free  
air & muckers  
Handling & using cutting or burning  
torches in wrecking to buildings,  
plaster tenders, scaffold builders  
& removal for plasterers  
Jackhammer, vibrators paving breakers  
other pneumatic tools, & mechanical  
tools, laying of all clay, Terra Cotta,  
ironstone, vitrified concrete or  
non-metallic pipe & the making of joints  
for same, & wagon drill operators  
Laborers, unskilled  
Mason tenders, scaffold builders &  
removal for masons

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tc.	
\$6.40	.25	.10			
6.23	.25	.10			
6.34	.25	.10			
6.18 5.95	.25 .25	.10 .10			
6.38	.25	.10			







AQ-1.012 P. 2

## FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION:

## LABORERS:

General laborers  
Underpinning and shoring 0' to 8' below working surface  
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Groutite nozzlemen and sandblasters  
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels  
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and steamers on caisson work  
Mason tenders, brick and plaster

HEAVY AND HIGHWAY CONSTRUCTION

Carpenters  
Underground Carpenters  
Working on crosscut material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Swmen continuously assigned to 1½ HP saws at jobsite  
Cement Masons  
Construction (Outside Denver Metropolitan Area)  
Cement Masons  
Construction (Denver Metropolitan Area)

Basic Hourly Rates	Fringe Benefits Payments				Age- Tn.	Others
	M & V	Pensions	Vacation	Age- Tn.		
\$4.75	.37	.40	.05			
4.75	.37	.40	.05			
5.03	.37	.40	.05			
5.05	.37	.40	.05			
5.30	.37	.40	.05			
5.35	.37	.40	.05			
\$6.57	.45	.45	.30	.03		
6.72	.45	.45	.30	.03		
6.82	.45	.45	.30	.03		
5.98	.37	.80	.30	.06		
6.13	.37	.80	.30	.06		

AQ-1.012 P. 3

Heavy & Highway - Site Preparation -Swamp Construction

## LABORERS:

## GROUP I

Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete pavings; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser  
Gabion baskets and Reno mattresses

## GROUP II

Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

## GROUP III

Hot asphalt laborer; Rakers; Box-tenders  
Asphalt curb machines; Potmen (not mechanical)

## GROUP IV

Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jack-hammers; Vibrators; Paving breakers; Frostproofing

Basic Hourly Rates	Fringe Benefits Payments				Age- Tn.	Others
	M & V	Pensions	Vacation	Age- Tn.		
\$4.55	.37	.40	.05			
4.60	.37	.40	.05			
4.68	.37	.40	.05			
4.70	.37	.40	.05			



AQ-1.012 P. 4

AQ-1.012 P. 5

(2-)

CO-2-LAB-3.3-a

LABORERS: (cont'd)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Exp. Tr.	
<b>GROUP V</b> Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	.37	.40		.05	\$4.72
<b>GROUP VI</b> Cunninging and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributors; Placing and hooking of landing mats; Bell float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer	.37	.40		.05	4.83
<b>GROUP VII</b> Powdermen and blasters; Gunnite nozzle-men; Shotcrete operator	.37	.40		.05	4.93
<b>GROUP VIII</b> Pipelayer on truck pipe lines in connection with highway work	.37	.40		.05	5.00
<b>GROUP IX</b> Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air	.37	.40		.05	5.13
<b>GROUP X</b> Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	.37	.40		.05	5.18

(3-3)

CO-2-LAB-2.3-a

LABORERS (cont'd)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Exp. Tr.	
<b>(PIPELINES)</b> All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.	.37	.40		.05	\$4.55
<b>GROUP I</b> Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	.37	.40		.05	4.60
<b>GROUP II</b> Foreman (not mechanical); Pipefitter; Dopers, Jeep Holiday-Detector Men, Bandage makers, Powdermen helpers	.37	.40		.05	4.77
<b>GROUP III</b> Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tappers, etc.	.37	.40		.05	4.79
<b>GROUP IV</b> Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Examiners of pipe, inside and out	.37	.40		.05	4.88
<b>GROUP V (Relining Pipe)</b> Relining pipe Mixer man	.37	.40		.05	4.93
<b>GROUP VI</b> Pipelayer	.37	.40		.05	5.00



AQ-1,012 P. 6

LABORERS (TUNNELS):	CD-3-14P-2-3-1a (1-2)			
	Basic Hourly Rates	H & W	Pension	Vacation
Outside laborers	\$4.55	.37	.40	.05
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40	.05
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40	.05
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40	.05
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40	.05
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timberman (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzle men; Sandblaster; pump concrete placement men	5.55	.37	.40	.05
(SHIFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)				
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40	.05
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40	.05

AQ-1,012 P. 7

LABORERS (TUNNEL) (continued)	CD-3-14P-2-3-1a (2-2)			
	Basic Hourly Rates	H & W	Pension	Vacation
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	\$5.50	.37	.40	.05
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timberman (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40	.05
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzle men; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40	.05
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.83	.37	.40	.05



AQ-1,012 P. 8

(1-2)

Colo 1 - PM-1-2-3-d

AQ-1,012 P. 9

Colo 1 PED -1-2-3-d

(2-2)

## POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Baisies)

## GROUP I

Asphalt: screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Miller

## GROUP II

Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 300 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons &amp; under; Vacuum well point system

## GROUP III

Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Calissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Grease, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machines; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. &amp; over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants

## POWER EQUIPMENT OPERATORS. (cont'd)

## GROUP IV

Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, draglines; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over; Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

## GROUP V

Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

## GROUP VI

Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$5.60	.37	.45	.20	.03	
5.95	.37	.45	.20	.03	
6.30	.37	.45	.20	.03	

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$6.45	.37	.45	.20	.03	
6.60	.37	.45	.20	.03	
6.75	.37	.45	.20	.03	



AQ-1,012 P. 10

Colo. 2-22-1-2-3-4

(1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: (For work in Tunnels, Shafts, and Rafters)					
BLAKEMAN	\$5.75	.37	.45	.20	.03
MOTORMAN	6.10	.37	.45	.20	.03
COMPRESSOR (900 CPM & OVER), Serving tunnels, shafts and rafters	6.20	.37	.45	.20	.03
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03
CONCRETE PLACEMENT PUMPS 8" & OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and front-end loaders underground; Slusher	6.60	.37	.45	.20	.03
MOLE	7.00	.37	.45	.20	.03
LINE CONSTRUCTION:					
Cable splicers	8.44	.25	1%		3/4%
Linemen	7.87	.25	1%		3/4%
Equipment operator; Line equipment maintenance man	6.71	.25	1%		3/4%
Groundman	5.55	.25	1%		3/4%

AQ-1,012 P. 11

Colo. 1-1-1-2-3-4

(1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	\$5.10	.30	.20	.10	
DUMP TRUCKS, TO AND INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10	
DUMP TRUCKS, OVER 6 CU. YDS. TO AND INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expe- ditors; Man haul shuttle truck or bus	5.30	.30	.20	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.35	.30	.20	.10	
FORK LIFT; Fuel truck; Grease truck; Combination fuel and grease; Tiresmen	5.40	.30	.20	.10	
DUMP TRUCKS, OVER 12 CU. YDS., TO AND INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to and incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.45	.30	.20	.10	
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.50	.30	.20	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumpster, Yongbuggy, Jumbo and similar type equipment	5.55	.30	.20	.10	
MECHANICS					
DUMP TRUCKS, OVER 19 CU. YDS. TO AND INCL. 29 CU. YDS.; Truck driver snow plow	5.60	.30	.20	.10	
	5.65	.30	.20	.10	



AQ-1,012 P. 12

CO-1-ID-1-3-4 (2-2)

## TRUCK DRIVERS (cont'd)

CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.

DUMP TRUCKS, OVER 29 CU. YDS. TO AND INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men

CEMENT MIXER, Agitator over 15 cu. yds.

DUMP TRUCKS, OVER 39 CU. YDS. TO AND INCL. 54 CU. YDS.

## SUPERSEDES DECISION

STATE: Colorado  
 COUNTY: Statewide  
 DECISION NUMBER: AQ-1,013  
 DATE: Date of Publication  
 Supersedes Decision No. AD-299 dated May 4, 1972, in 38 FR 11252  
 DESCRIPTION OF WORK: Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. To	M & W	Pensions	Vacation	App. To
\$5.70	.30	.20	.10		.45	.30	.03	
5.80	.30	.20	.10		.37	.80	.30	.06
5.95	.30	.20	.10		.37	.80	.30	.06
6.00	.30	.20	.10					
CARPENTERS CEMENT MASONS: Denver Metropolitan Area Outside Denver Metropolitan Area ELECTRICIANS: Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington and Weld Counties Electricians Cable splicers Belts, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan and San Miguel Counties Electricians Cable splicers Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande Counties Zone 1 (Within 12 miles Pueblo Main Post Office) Electricians Cable splicers Zone 2 (12 to 20 miles from Pueblo Main Post Office) and (0 to 12 miles from Post Office in Canon City) Electricians Cable splicers Zone 3 (20 to 40 miles from Pueblo Main Post Office) Electricians Cable splicers Zone 4 (40 miles and over from Pueblo Main Post Office) Electricians Cable splicers Zone 3 and 4 less than \$5,000 Electricians Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties Electricians								
8.50	.32	134.25			.32	134.25		
9.90	.32	134.25						
8.90	.32	134.25						
9.70	.32	134.25						
9.25	.32	134.25						
10.05	.32	134.25						
10.00	.32	134.25						
10.80	.32	134.25						
6.16	.32	134.25						
8.57	.32	13						.01



AQ-1.013 P.2

AQ-1.013 P.3

CO-2-IAB-2-3-b

IRONWORKERS PAINTERS:	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tl.		H & W	Pensions	Vacation	App. Tl.
Adams, Arapahoe, Boulder, Clear Creek, Denver, Dolores, Douglas, Gilpin, Grand, Jackson, Jefferson, Lake, La Plata, Larimer, Logan, Moffat, Montezuma, Morgan, Ouray, Phillips, Rio Grande, Summit, San Juan, San Miguel, Sedgewick, Washington, Weld, Northern parts of Eagle, Elbert and Summit Counties:	\$7.75	.55	.60	.06					
Brush Spray	7.41	.40	.15	.01					
Baca, Bent, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Counties:	7.69	.40	.15	.01					
Brush Structural steel; Spray	5.38	.20		.02					
Spray steel	5.88	.20		.02					
Archuleta, Chaffee, Cheyenne, El Paso, Gunnison, Hinsdale, Lincoln, Mineral, Park, Pitkin, Kit Carson, Teller, Southern parts of Eagle and Elbert Cos.:	6.38	.20		.02					
Brush	6.35	.40	.20	.02					
Structural steel; Spray	6.85	.40	.20	.02					
Steel spray	7.35	.40	.20	.02					
Delta, Garfield, Mesa, Montrose, and Rio Blanco Counties:									
Brush	7.14	.40	.15	.01					
Spray	7.89	.40	.15	.01					
5.97	.35	.35	.25	.015					
PILDRIVERS									
Line Construction - Colorado									
Cable splicers	8.44	.25	11	3/42					
Linenman	7.87	.25	11	3/42					
Equipment operator	6.71	.25	11	3/42					
Line equipment maintenance man	6.71	.25	11	3/42					
Groundman	5.55	.25	11	3/42					
LABORERS:									
GROUP I									
Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seedling, mulching and planting of trees, shrubs and flowers; Stake chaser Gabion baskets and zero mattresses	\$4.55	.37	.40						
GROUP II									
Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40						
GROUP III									
Hot asphalt laborer; Bakers; Box-tenders Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40						
GROUP IV									
Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jack- hammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40						



AQ-1.013 P. 4

AQ-1.013 P. 5

CO-2-IAB-2-3-b

CO-2-IAB-2-3-b													
LABORERS (cont'd)		FRINGE BENEFITS PAYMENTS					Basic Hourly Rates						
		H & W	Pensions	Vacation	App. Tr.	Or			H & W	Pensions	Vacation	App. Tr.	Or
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle		.37	.40		.05		\$4.72		.37	.40			
GROUP VI Gunmiting and shotcrete helpers; Caissons over 12'; Coffordams; Timbermen; Underpinning and shoring; Formers and/or stringman on roads, highways, streets and airport runways; Distributors; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer		.37	.40		.05		4.83		.37	.40			
GROUP VII Powdermen and blasters; Gunmita nozzle-men; Shotcrete operator		.37	.40		.05		4.93		.37	.40			
GROUP VIII Pipelayer on truck pipe lines in connection with highway work		.37	.40		.05		5.00		.37	.40			
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and steamers; Licensed powdermen; Diamond and core drills powered by air		.37	.40		.05		5.13		.37	.40			
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement		.37	.40		.05		5.18		.37	.40			
LABORERS (cont'd) (Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons of drainage lines; Pipe plants and yards not in connection with highway construction.		.37	.40		.05		\$4.55		.37	.40			
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work		.37	.40		.05		4.60		.37	.40			
GROUP II Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Barge makers, Powdermen helpers		.37	.40		.05		4.77		.37	.40			
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.		.37	.40		.05		4.77		.37	.40			
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out		.37	.40		.05		4.79		.37	.40			
GROUP V (Ballasting Pipe) Ballasting pipe		.37	.40		.05		4.88		.37	.40			
Mixer man		.37	.40		.05		4.93		.37	.40			
GROUP VI Pipelayer		.37	.40		.05		5.00		.37	.40			



AQ-1,013 P. 6

CO-3-IAB-2-3-1b

(1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr.
Outside laborers	\$4.55	.37	.40		.05
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dunnage, whirley pumps operators	5.25	.37	.40		.05
GROUP III Helpers on shotcrete, gunnitting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzle men; Sandblaster; Pump concrete placement men	5.55	.37	.40		.05
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05

AQ-1,013 P. 7

CO-3-IAB-2-3-1b

(2-2)

LABORERS (TUNNEL) (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr.
GROUP III Helpers on shotcrete, gunnitting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	\$5.50	.37	.40		.05
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzle men; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05
GROUP VI Any employee performing work under ground from a bos'n chair, siding stage, life belt or block and tackle	5.83	.37	.40		.05



## GROUP II

**about 1**  
Air compressor; Ditch witch trenching  
machine and similar; Equipment  
lubricating and service engineer; For  
lift; Haulage motorman; Operators of  
five or more light plants, welding  
machines, compressors 360 C.F.M. or  
less, pumps, generators; Puggill  
operator; Puggill; Pump; Portable  
screaming plant with or without a  
spray bar; Screening plants-with  
classifier; Self-propelled rollers -  
5 tons & under; Vacuum well point  
systems

GROUP III

Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Calissons drill; (William M., similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors; bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer; fireman; Fireman or tank heater, Road; GROUT machine; Guniting machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tilt tamper, Wheel mounted; Tractor (70 hp. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants

Colo. 1 - P80-1-2-3-d		Fringe Benefits Payments				(1-2)
Basic Hourly Rates	Fringe Benefits Payments				App. Yr.	0
	H & V	Pensions	Vacation			
\$5.60	.37	.45	.20		.03	
5.95	.37	.45	.20		.03	
6.30	.37	.45	.20		.03	

#### GROUP IV

Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (30 tons and under); Hoists (2 drums); Loader - over 5 cu. yds.; Mechanic-welder (heavy duty); Mixer-mobility; Multiple unit portable crusher with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable-operated power shovels, draglines; Climshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

GROUP V

Crane operator - over 50 tons; Derrick;  
Electric rail type tower crane; Hoist  
(3 drum or more); Cable-operated power  
shovels, draglines, clamshells and  
backhoes (over 5 cu. yds.); Quad nine  
tandem bowls; Scraper-single bowl  
including pos 40 cy. yd. and over

## GROUP VI

Cableway; Crawler or truck mounted  
tower crane; Wheel excavator; Climbing  
tower crane

Basic Hourly Rates	Fringe Benefits Payments				
	H & V	Pensions	Vacation	App. Tr.	Q
\$6.45	.37	.45	.20	.03	
6.60	.37	.45	.20	.03	
6.75	.37	.45	.20	.03	



A2-1.013 P. 10

Colo. 2-PD-1-2-3-d

(1-1)

POWER EQUIPMENT OPERATORS  
(For work in Tunnels, Shafts, and  
Raizes).

## BRAKEMAN

## MOTORMAN

COMPRESSOR (900 CFM & Over), Serving  
tunnels, shafts and raisesAIR TRACTORS; Grout machine; Gunnite  
machine; Jumbo form; Mechanic; WelderCONCRETE PLACEMENT PUMPS 8" and OVER  
DISCHARGE; Mechanic-Welder (heavy duty);  
Mixing machine and front-end loaders  
underground; Slusher

## MOLE

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation	App. To	
\$5.75	.37	.45	.20	.03	
6.10	.37	.45	.20	.03	
6.20	.37	.45	.20	.03	
6.45	.37	.45	.20	.03	
6.60	.37	.45	.20	.03	
7.00	.37	.45	.20	.03	

A2-1.013 P. 11

CO-1-TD-1-2-3-c

(1-2)

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation		
TRUCK DRIVERS:					
\$5.10	.30	.20	.10		
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen					
5.20	.30	.20	.10		
DUMP TRUCKS, TO & INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehouses; Washers; Greasemen; Servicemen; Ambulance drivers, if used					
5.30	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Gardex men; Expe- ditors; Man haul shuttle truck or bus					
5.35	.30	.20	.10		
STRADE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle					
5.40	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel & Grease; Firemen					
5.45	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination					
5.50	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty & Boasting					
5.55	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbessy, Jumbo & similar type equipment					
5.60	.30	.20	.10		
MECHANICS					
5.65	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow					



AQ-1,013 P. 12

CO-1,013-1-2-3-5 (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	\$5.70	.30	.20	.10
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	6.00	.30	.20	.10

STATE: Colorado

DECISION NUMBER: AQ-1,014

COUNTY: Pueblo

DATE: Date of Publication

Superior Decision No. AP-296 dated April 27, 1973, in 38 FR 10367

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
ASBESTOS WORKERS	\$8.00	.25	.70	.02
BOILERMAKERS	8.25	.30	1.00	.04
BRICKLAYERS	7.72	.30	.50	.30
CARPENTERS	6.92	.45	.40	.03
CEMENT MASONRY	6.80	.30	.50	.06
ELECTRICIANS:				
Zone I (0-12 miles from Post Office)	8.50	.32	1 1/4 .25	1/10%
Electricians	9.30	.32	1 1/4 .25	1/10%
Cable splicers				
Zone II (12-20 miles from Post Office)	8.90	.32	1 1/4 .25	1/10%
Electricians	9.30	.32	1 1/4 .25	1/10%
Cable splicers				
Zone III (20-40 miles from Post Office)	9.25	.32	1 1/4 .25	1/10%
Electricians	10.05	.32	1 1/4 .25	1/10%
Cable splicers				
Zone IV (Over 40 miles from Post Office)	10.00	.32	1 1/4 .25	1/10%
Electricians	10.80	.32	1 1/4 .25	1/10%
Cable splicers				
Electrical contracts less than \$5,000 in Zones III and IV	6.16	.32	1 1/4 .25	1/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2 1/4 a
ELEVATOR CONSTRUCTORS' HELPERS	7.01 1/2	.345	.23	2 1/4 a
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.01 1/2			
GLAZIERS	6.45			
IRONWORKERS:				
Structural; Ornamental and Reinforcing	7.75	.55	.60	.06
MARBLE & TILE SETTERS, Terrazzo Workers	7.20	.43	.35	.25
PAINTERS:				
Brush	5.38	.20		.02
Structural steel; Spray	5.88	.20		.02
Spray steel	6.38	.20		.02
FILEDRIVEN	5.97	.35	.35	.015
PLASTERERS	8.19			.01
PLUMBERS:				
Zone I (0-15 miles from Post Office)	8.08	.49	.40	.03
Zone II (15-20 miles from Post Office)	8.65	.49	.40	.03
Zone III (20-40 miles from Post Office)	8.83	.49	.40	.03
Zone IV (Over 40 miles from Post Office)	9.455	.49	.40	.03



AQ-1.014 P.2

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & V	Pensions	Vacation	App. Tr.	
ROOFERS	\$7.58					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.40	.25	.40		.05	
SPRINKLER FITTERS	8.00					

## FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

6 Paid Holidays:

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

AQ-1.014 P.3

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & V	Pensions	Vacation	App. Tr.	
BUILDING CONSTRUCTION:						
LABORERS:						
General laborers	\$4.75	.37	.40		.05	
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools, including self-propelled buggies and cement finishers; Pipefitters; Gunite masons and sandblasters	5.03	.37	.40		.05	
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface	5.30	.37	.40		.05	
Bellies and stemmers on caisson work	5.35	.37	.40		.05	
Mason tenders, brick and plaster						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHER
		H & V	PENSIONS	VACATION	APP. TR.	
Line Construction - Colorado						
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator	6.71	.25	1%		3/4%	
Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

## HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & V	Pensions	Vacation	App. Tr.	
Carpenters	\$6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Filledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite						
Cement Masons	6.82	.45	.45	.30	.03	
Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons						
Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	



AQ-1,014 P. 4		CO-2-LAB-2-3-b		AQ-1,014 P. 5		CO-2-LAB-2-3-b	
HEAVY AND HIGHWAY CONSTRUCTION		LABORERS:		LABORERS (cont'd)		LABORERS	
Basic Hourly Rates	Fringe Benefits Payments	H & W	Vacation	App. To	Others	Basic Hourly Rates	Fringe Benefits Payments
<p><b>GROUP I</b> Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dovel bars; Tie bars and chairs in concrete paving; Nursery man incl. seedling, mulching and planting of trees, shrubs and flowers; Stake chaser Gabion baskets and Reno mattresses</p>	<p><b>GROUP II</b> Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers</p>	<p><b>GROUP III</b> Hot asphalt laborer; Bakers; Box-tenders; Asphalt curb machines; Potman (not mechanical)</p>	<p><b>GROUP IV</b> Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room men and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator; mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jack-hammers; Vibrators; Paving breakers; Frostproofing</p>	<p><b>GROUP V</b> Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle</p>	<p><b>GROUP VI</b> Committing and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form-setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Boll float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer</p>	<p><b>GROUP VII</b> Powdermen and blasters; Gunnite mazzle-men; Shotcrete operator</p>	<p><b>GROUP VIII</b> Pipelayer on truck pipe lines in connection with highway work</p>
\$4.55	.40	.37	.05			\$4.72	.40
4.60	.40	.37	.05			4.83	.40
4.68	.40	.37	.05			4.95	.40
						5.00	.40
						5.13	.40
4.70	.40	.37	.05			5.18	.40



AQ-1,014, P. 6

AQ-1,014, P. 7

(1-2)

CO-2-LAB-2-3-b

LABORERS (cont'd)

## (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

## GROUP I

Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

## GROUP II

Foram (not mechanical); Pipewrepper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

## GROUP III

Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarders, five graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

## GROUP IV

Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out

## GROUP V (Relining Pipe)

Relining pipe

## GROUP VI

Pipelayer

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
\$4.55	.37	.40		.05	
4.60	.37	.40		.05	
4.77	.37	.40		.05	
4.79	.37	.40		.05	
4.88	.37	.40		.05	
4.93	.37	.40		.05	
5.00	.37	.40		.05	

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
\$4.55	.37	.40		.05	
5.15	.37	.40		.05	
5.25	.37	.40		.05	
5.33	.37	.40		.05	
5.40	.37	.40		.05	
5.55	.37	.40		.05	
5.25	.37	.40		.05	
5.40	.37	.40		.05	

## LABORERS (TUNNELS):

## Outside laborers

GROUP I  
Minimum tunnel labor, dry house man

## GROUP II

Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump operators

## GROUP III

Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

## GROUP IV

Cement finisher helper, applying of concrete processing materials

## GROUP V

Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite mazzemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

## GROUP I

Laborers, Topmen, Bottommen, and Cagers

## GROUP II

Chucktenders, Concrete laborers, Whirley pump operators



AQ-1.014 P. 2

CO-3-1A3-2-3-1b

(2-2)

LABORERS (TUNNEL) (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tn.
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	\$5.50	.37	.40	.05	
GROUP IV Collapsible form movers and setters, mixers, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40	.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite mortlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40	.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.83	.37	.40	.05	

AQ-1.014 P. 9

CO-1 - PEO-1-2-3-d

(1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Rafters)	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tn.
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oilier	\$5.60	.37	.45	.20	.03
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signaller; Caissons drill; (William MF, similar and larger; C.M.T. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch on truck; Concrete batching plants	6.30	.37	.45	.20	.03







AQ-1,014 P. 12

(1-2)

CO-1-TD-1-2-3- c

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				Oth
		M & W	Pensions	Vacation	App. Tr.	
PICKUPS; Helpers; Scalesmen; Checkers; Spotters; Dumpmen	\$5.10	.30	.20	.10		
DUMP TRUCKS, TO & INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbushy, Jumbo & similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.65	.30	.20	.10		

AQ-1,014 P. 13

(2-2)

CO-1-TD-1-2-3- c

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Oth
		M & W	Pensions	Vacation	App. Tr.	
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	\$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	6.00	.30	.20	.10		



## SUPERSEDEAS DECISION

STATE: Indiana  
 COUNTY: Allen  
 DECISION NUMBER: AQ-3000  
 DATE: Date of Publication  
 Supersedes Decision No. AN-371, dated August 13, 1971, in 36 FR 15390  
 DESCRIPTION OF WORK: Residential Construction consisting of Single Family Homes and Garden Type Apartments up to and including 4 stories.

## SUPERSEDEAS DECISION

STATE: Pennsylvania  
 COUNTY: Bucks, Chester, Delaware, Montgomery and Philadelphia  
 DECISION NO.: AQ-2011  
 DATE: Date of Publication  
 Supersedes Decision No. AP-817, dated May 18, 1973, in 38 FR 13279.  
 DESCRIPTION OF WORK: Heavy and Highway Construction and Tunnel.

## 2R-INDIANA

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr. Others
AIR CONDITION MECHANICS	\$4.37				
BRICKLAYERS	8.21	.20	.25	.01	
CARPENTERS	4.96				
CEMENT MASONS	4.96				
DRYWALL HANGERS	4.18				
DRYWALL FINISHERS	3.79				
ELECTRICIANS	7.85	.25	12+.30	.04	
LANGLERS	3.79				
PAINTERS	3.79				
PLUMBERS	8.18	.20	.35	.07	
SHEET METAL WORKERS	4.00				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.50				
TRUCK DRIVERS	5.38				
POWER EQUIPMENT OPERATORS:					
Backhoe Operator	6.20				
Trenching Machine	6.43				
Roller	6.60				
Grader	6.60				
Paver	6.60				
Pump Operator	6.66				
Welders - Rate for Craft					

## PA-51-Lab-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacation	App. Tr. Others
Carpenters	\$9.22	1.23	.55	.07	
Laborers:					
Powdermen, Multiple wagon drill op.	6.95	.45	.20		
Finished surface asphalt rakers, op.					
pipelayers, caulkers, conduct and					
dock layers	6.75	.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 shovellers, Men					
working in shelling, Men working in					
shoring, Men working in lagging,					
Laborers assisting in the setting of					
cut stone, granite or artificial					
stone, hod carriers, Scaffold build-					
ers	6.65	.45	.20		
Wagon drill operators	6.80	.45	.20		
YARD WORKERS:					
Laborers, Scale mixermen, Burnermen					
Dustmen, Feeders	6.55	.45	.20		
FREE AIR TUNNELS:					
Miners, Miners bore driver,					
Blasters, Drillers, Pneumatic					
Shield operators, Welders & Burners	7.20	.45	.20		
Miners' Helpers, Form setters	8.05	.45	.20		
Trackmen, Brakemen, Groommen, Bottom					
shaft men, All others in free air					
tunnels	6.90	.45	.20		
Circular caisson excavation bottom					
men	7.05	.45	.20		
Underpinning excavation bottom men	6.95	.45	.20		
All other laborers on construction					
work, with the exception of workers					
in compressed air	6.65	.45	.20		
Footnotes:					
a. Paid holidays: Labor Day.					



AQ-2011 P. 2

PA-S-LAB-2-JJ

## FRINGE BENEFITS PAYMENTS

TUNNEL COMPRESSED AIR	BASIC DAILY RATES	FRINGE BENEFITS PAYMENTS			OTHER
		H & W	PENSIONS	VACATION	
Laborers:					
Blasters, Shield Drivers	\$ 48.29	.10	.10		
Miners	46.86	.10	.10		
Brakemen, tractors, miners' helpers	44.74	.10	.10		
Groutmen, lock tenders' helpers	44.74	.10	.10		
Laborers and other men	44.74	.10	.10		
Working machines	52.83	.10	.10		
Laborers (surface) per hour	4.05	.10	.10		
Between locks					
Lock tenders, motor men	46.86	.10	.10		
All other men	44.75	.10	.10		
Outside of locks					
Outside lock tenders, gauge tenders	44.75	.10	.10		
Outside lock tenders' helpers	42.64	.10	.10		
AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)			
15 pounds and up to 26 pounds	6 hours	\$ 1.00			
26 " " " 33 "	4 "	1.50			
33 " " " 38 "	3 "	2.00			
38 " " " 43 "	2 "	2.50			
43 " " " 48 "	1 1/2 "	3.00			
48 " " " 50 "	1 "	3.50			

AQ-2011 P. 3

SL-PC-3-E 1 of 2

POWER EQUIPMENT OPERATORS  
HIGHWAY CONSTRUCTION

	Basic Monthly Rates	Fringe Benefits Payments			D
		H & W	Pensions	Vacation	
WAGE GROUP I					
Handling steel and stone in connection with erection; Cranes doing hook work; Any machine handling machinery; Helicopters; Machines similar to the above	\$9.50	4.6%	9.5%	a	1.2%
WAGE GROUP II					
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Pavers 21E and over; Trenching Machines; Gradaalls; Front end loaders over 3 cu. yd.; Boat Captains; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self contained (Drill-master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	9.28	4.6%	9.5%	a	1.2%
WAGE GROUP III					
Carryalls, Scrapers, Tournapulls, Asphalt plant engines; Roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to and including 3 c.y.; Spreaders (asphalt concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over; Ditch witch (small trencher); Motor Patrols; Maintenance Engineer with tools; Machines similar to the above	8.65	4.6%	9.5%	a	1.2%
WAGE GROUP IV					
Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Tension roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above.	8.13	4.6%	9.5%	a	1.2%



## HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS

## WAGE GROUP V

Form line grader; Fine grade machines; Farm tractors; Road finishing Concrete spreaders; Compactors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Tiresman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above

## WAGE GROUP VI

Fireman

## WAGE GROUP VII

Oilers and Deck Hands (Personnel Boats)

## FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

SL-REG-3-E 2 of 2

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
7.76	4.6%	9.5%	a	1.2%
7.60	4.6%	9.5%	a	1.2%
6.66	4.6%	9.5%	a	1.2%

## HEAVY &amp; HIGHWAY

## Truck Drivers:

Class I  
Helpers, Stake Body Truck (single axle, Dumpster

Class II  
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles; Asphalt Distributors, Farm Tractor when used for Transportation, Stake Body Truck (Tandem)

Class III  
Euclid Type, Off-Highway Equipment Back or Belly Dump Trucks and Double Hitched Equipment, Staddle (Boss) Carrier, Low-Boed Trailers

## FOOTNOTES:

a. Employee who have been on the employer's seniority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day; Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.

PA-SL-TH-2-3-2

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. To
\$6.12	.3675	.35	add	
6.22	.3675	.35	add	
6.42	.3675	.35	add	



AQ-2012 P. 2

## SUPERSEDES DECISION

STATE: Pennsylvania  
 COUNTY: Philadelphia  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AP-820, dated May 18, 1973, in 38 FR 13289.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

51-PA-1-H

STATE: Pennsylvania

DECISION NO.: AQ-2012

COUNTY: Philadelphia

DATE: Date of Publication

Supersedes Decision No. AP-820, dated May 18, 1973, in 38 FR 13289.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	51-PA - 1 - H						
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tn.	Other	
Building Construction							
Asbestos workers	\$9.12	.50	.50				
Boilermakers	8.85	.40	1.00		.01		
Bricklayers	8.66	.77	.45	.45	.0025		
Carpenters	8.77	1.23	.55		.07		
Cement masons	7.73	.89	.27				
Electricians	9.72	.24	1.24-24		2%		
Elevator constructors	9.25	.345	.20	21+4+6	.015		
Elevator constructors' helpers	6.475	.345	.20	21+4+6	.015		
Elevator constructors' helpers (Prob.)	4.625						
Glaziers	8.38	.35	.30		.01		
Glassers working 30' above ground	8.68	.35	.30		.01		
Ironworkers, structural	9.00	.47	1.03		.04		
Ironworkers, ornamental	9.00	.47	1.03		.04		
Ironworkers, reinforcing	7.97				.01		
Lathers	8.61	.225	.10				
Lead burners	8.29	.30		c	.01		
Line Construction:							
Linemen	9.73	.15	1%		1%		
Groundmen	5.84	.15	1%		1%		
Winch truck operator	6.81	.15	1%		1%		
Marble setters	7.68	.47	.45				
Millwrights	9.27	1.23	.55		.07		
Painters:							
Brush	7.365	.275	.25	.30	.02		
Spray, steel & swing	7.545	.275	.25	.30	.02		
Roller	7.365	.275	.25	.30	.02		
Piledrivers	9.22	1.08	.40		.07		
Plasterers	8.52	.53			.01		
Plumbers	9.32	.57	.92		.08		
Pointers, caulkers and cleaners	8.10	.35					
Roofers:							
Composition, damp & waterproofers	8.815	1.00	.55	d			
Composition helpers	4.70	.80	.55	d			
Slate, tile and asbestos	7.75	.40	.35				
Slate, tile and asbestos helpers	4.68	.40	.35				
Asphalt shingle	6.43	.60	.35				
Asphalt shingle helpers	4.68	.40	.35				

Sheet metal workers  
 Soft floor layers  
 Sprinkler fitters  
 Steam fitters  
 Stone setters  
 Tile setters

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 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. Paid Holidays: A through F.

c. Paid holidays, A through F, 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 day preceding and following the holiday.

d. Election Day - paid holiday.



AQ-2012 P. 4

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION

## WAGE GROUP I

Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above

## WAGE GROUP II

Engineers working with Rock Builders and Pile Drivers

All types of cranes  
All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd.; Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling; Jumping or jacking; Drills self-contained (Drillmaster type); Fork lift (20 ft. and over); Motor Patrols (Fine Grade); Batch Plant with Mixer; Machines similar to the above

## WAGE GROUP III

Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapolls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y.

Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above

PA-51-PEO-1 - E 1 of 2  
FRINGE BENEFITS PAYMENTS

PA-51-LAS - W  
FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	OTHER
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforcing steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & ramping of asphalt, grading & concrete pit work, grading, form piling, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of laborers	.44	.20			
Mason tender, power buggies, burners on demolition	.44	.20			
Wagon drill operator (single)	.44	.20			
Foodman, wagon drill operator (multiple)	.44	.20			
Circular Caissons Excavation; Caisson groundmen	.44	.20			
Caisson bottom man	.44	.20			
Underpinning Excavation; Laborers, working at depth of 8 feet or under	.44	.20			
Yard workers	.44	.20			

Building Construction

Laborers:

Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforcing steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & ramping of asphalt, grading & concrete pit work, grading, form piling, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of laborers

Mason tender, power buggies, burners on demolition

Wagon drill operator (single)

Foodman, wagon drill operator (multiple)

Circular Caissons Excavation; Caisson groundmen

Caisson bottom man

Underpinning Excavation;

Laborers, working at depth of 8 feet or under

Yard workers

PA-51-PEO-1 - E 1 of 2  
FRINGE BENEFITS PAYMENTS

PA-51-LAS - W  
FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	OTHER
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforcing steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & ramping of asphalt, grading & concrete pit work, grading, form piling, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of laborers	.44	.20			
Mason tender, power buggies, burners on demolition	.44	.20			
Wagon drill operator (single)	.44	.20			
Foodman, wagon drill operator (multiple)	.44	.20			
Circular Caissons Excavation; Caisson groundmen	.44	.20			
Caisson bottom man	.44	.20			
Underpinning Excavation; Laborers, working at depth of 8 feet or under	.44	.20			
Yard workers	.44	.20			

Building Construction

Laborers:

Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforcing steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & ramping of asphalt, grading & concrete pit work, grading, form piling, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of laborers

Mason tender, power buggies, burners on demolition

Wagon drill operator (single)

Foodman, wagon drill operator (multiple)

Circular Caissons Excavation; Caisson groundmen

Caisson bottom man

Underpinning Excavation;

Laborers, working at depth of 8 feet or under

Yard workers



AQ-2012 P. 5

PA-51-250-1-E 2 of 2

## BUILDING CONSTRUCTION

## WAGE GROUP IV

Concrete breaking machines  
Rollers  
Machines similar to the above

## WAGE GROUP V

All bulldozers under D-7  
Tractors including rubber-tired type  
with front and overhead loaders under  
2 c.y.

Semen-pulverizing mixer  
Welders and Maintenance Engineers  
Tireman on Power Equipment  
Maintenance Engineer (Power Boat)  
Machines similar to the above

## WAGE GROUP VI

Conveyors (Building)  
Welding Machines  
Resters  
Wellpoints  
Compressors  
Farm Tractors  
Form line graders  
Road finishing machines  
Pumps

Power Broom (Self contained)  
Seed Spreader  
Machines similar to the above

## WAGE GROUP VII

Fireman

## WAGE GROUP VIII

Officers and Deck Hand (Personnel Boats)

## FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

AQ-2012 P. 6

PA-51-250-1-C

## BUILDING CONSTRUCTION

## Truck Drivers:

Class I  
Warehouseman, Checker, Fork  
Lift Driver, Stake Body Truck  
(single axle), 1-1/2 ton and  
under vehicles

Class II  
Truck Driver over 1-1/2 tons,  
Dump Trucks, Tandem & Batch  
Trucks, Semi-Trailers, Agitation  
Mixer Trucks, and Concrete  
Type Vehicles, Asphalt Distri-  
butors, Farm Tractor when used  
for transportation, Stake Body  
Truck (Tandem)

Class III  
Euclid Type, Off-Highway Equip-  
ment-Back or Belly Dump Trucks  
and Double-Hitched Equipment  
Straddle (Boss) Carrier, Low-  
Bed Trailers,

## FOOTNOTES:

a. Employee who have been on  
the employer's seniority  
list for a period of one (1)  
year from date of hire and  
who shall have worked a  
minimum of one-hundred  
thirty (130) days in the  
year previous to his anni-  
versary date, shall be  
eligible for one (1)  
week's vacation.

b. Paid Holidays: Memorial Day  
Independence Day & Labor  
Day for employee who have  
worked a minimum of thirty  
days and are on the employ-  
er's seniority list, provided  
he works the schedule work  
days before and after the  
said holidays.

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pensions	Vacation	
	\$6.12	.3675	.35	add	
	6.22	.3675	.35	add	
	6.42	.3675	.35	add	



**SUPERSEDES DECISION**

STATE: Pennsylvania  
 DECISION NO.: AQ-2,013  
 Supersedes Decision No. AP-819, dated May 18, 1973, in 38 PA 13286.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Montgomery  
 DATE: Date of Publication

46-PA-1-0 1 of 3

**BUILDING CONSTRUCTION**

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Families	Vacation	App. Tr.
Asbestos workers	8.12	.50	.50		
Boiler makers	8.65	.50	1.00		
Bricklayers:					
Lower Marion, Abington, Upper Moreland and Cheltenham	8.66	.77	.45	.45	.0015
Remainder of County	8.68	.67	.60	.38	1/2
Carpenters	8.77	1.23	.55		.07
Cement masons:					
Pennsburg and Pottstown	7.965		1.55		
Remainder of County	7.73	.69	.27		
Electricians:					
Upper Hanover	8.575	.20	1%		.01
Pottsgrove, Upper Pottsgrove, Douglas and Pottstown	8.74	.28	1%		.03
Springfield, Glenside, Jenkintown Townships	9.72	.24	124.24		2%
Remainder of County	9.78	3.42	154.2.11		1 1/2%
Elevator constructors	9.25	.345	.20	244-b-c	.015
Elevator constructors' helpers	6.475	.345	.20	244-b-c	.015
Elevator constructors' helpers (Prob.)	4.625				
Glassiers:					
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limerick, Lower Merion, Upper Salford, Scuderton, Greenlawn, Upper Hanover, New Hanover, Douglas, Marlboro Twp.	7.32	.25	.10		.01
Remainder of County	8.38	.35	.30		.01
Ironworkers:					
Structural and ornamental	9.00	.47	1.03		.04
Reinforcing	7.97				.01
Lathers	8.61	.225	.10		
Leadburners	8.25	.30			.01
Line Constructors:					
Linenmen	9.73	.15	1%		1%
Cable splicer	9.73	.15	1%		1%
Groundmen	5.84	.15	1%		1%
Winch truck operator	6.81	.15	1%		1%
Marble setters	7.68	.47	.45		
Millwrights	9.27	1.23	.55		.07
Painters:					
Pottstown, Pottsgrove, New Hanover and Douglas:	6.86	.45	.20		
Brush	7.91	.45	.20		
Steel and spray	8.41	.45	.20		
Roller					

AQ-2,013 P. 2

46-PA-1-0

2 of 3

**BUILDING CONSTRUCTION**

Painters: (Cont'd)  
 Cheltenham, Abington, Upper and Lower Moreland, Springfield, Whittemarsh, Plymouth, Upper Dublin, Horsham, Whitpain, Upper and Lower Owynodd, Lower Merion, Upper Southampton, Lower Southampton:

	Basic Hourly Rates	Fringe Benefits Payments			
		M & W	Families	Vacation	App. Tr.
Brush	7.365	.275	.25	.30	.02
Roller	7.365	.275	.25	.30	.02
Spray, steel and swing	7.545	.275	.25	.30	.02
Remainder of County:					
Brush	7.85	.45	.20		
Steel, roller, sandblasting	7.85	.45	.20		
Piledrivers	9.22	1.08	.40		.07
Pointers, caulker and cleaners	8.10	.35			
Plasterers:					
Pennsburg	8.00		.155		.01
Remainder of County	8.52	.53			
Plumbers:					
Lower Merion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield and Cheltenham	9.52	.57	.92		.08
Remainder of County	8.50	.485	.82		.035
Roofers:					
Composition	8.815	1.00	.55	e	
Helpers	4.70	.80	.55	e	
Slate, tile asbestos roofers	7.75	.40	.35		
Slate, tile asbestos helpers	4.68	.40	.35		
Asphalt shingle	6.43	.40	.35		
Helpers	4.68	.40	.35		
Sheet metal workers	10.00	.52	.50		.01
Soft floor layers	7.53	.93	.55		.05
Sprinkler fitters	8.75	.30	.50		
Steamfitters:					
Lower Merion, Springfield, Moreland, Horsham, Upper Dublin and Abington	9.52	.57	.92		.08
Townships	8.50	.485	.82		.035
Remainder of County	7.98	.67	.60	.38	
Stone masons	7.575	.45	.20		
Tile setters					



AQ-2,013 P. 3		PA-51-LAB - W	
3 of 3		FRINGE BENEFITS PAYMENTS	
BASIC HOURLY RATES		H & W	PENSIONS
VACATION		APP. TR.	OTHERS
Building Construction			
Laborers:			
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shovelling & tampering of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers			
\$6.71			
Mason tender, power buggies, burners on demolition			
6.81			
Wagon drill operator (single)			
6.86			
Powdermen, wagon drill operator (multiple)			
7.01			
Circular Caissons Excavation: Caisson groundmen			
7.01			
Caisson bottom man			
7.11			
Underpinning Excavation: Laborers, working at depth of 8 feet or under			
7.01			
Yard workers			
6.65			

AQ-2,013 P. 3

46-PA-1-0

3 of 3

## BUILDING CONSTRUCTION

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:

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 21 basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 110 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

e. Election Day - paid holiday.

f. Employee who has been on the employer's seniority list for a period of one (1) year from date of hire; and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

g. Paid holidays: Memorial Day; Independence Day & Labor Day for employee who has worked a minimum of thirty days, and is on the employer's seniority list; provided he works the scheduled work days before and after the said holidays.

h. Employee who has been on the employer's seniority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

j. Paid Holidays: Memorial Day; Independence Day & Labor Day for employee who has worked a minimum of thirty days and is on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.



AQ-2,013 P. 5

## BUILDING CONSTRUCTION

PA-51-FED-1-E 2 of 2

## WAGE GROUP I

Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above

## WAGE GROUP II

Engineers working with Dock Builders and Pile Drivers  
All types of cranes  
All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Barricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Working Machines in tunnel; Cradles; Front-end loaders over 3 cu. yd.; Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jacking or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over); Motor Patrols (Fine Grade); Batch Plant with Mixer; Machines similar to the above

## WAGE GROUP III

Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournspalls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y.  
Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers B-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above

## WAGE GROUP IV

Concrete breaking machines  
Rollers  
Machines similar to the above

## WAGE GROUP V

All bulldozers under D-7  
Tractors including rubber-tired type with front and overhead loaders under 2 c.y.  
Semian pulverizing mixer  
Welders and Maintenance Engineers  
Fireman on Power Equipment  
Maintenance Engineer (Power Boat)  
Machines similar to the above

## WAGE GROUP VI

Conveyors (Building)  
Welding Machines  
Heaters  
Wellpoints  
Compressors  
Farm Tractors  
Form line graders  
Road finishing machines  
Pumps  
Power Broom (Self contained)  
Seed Spreader  
Machines similar to the above

## WAGE GROUP VII

Fireman

## WAGE GROUP VIII

Oilers and Deck Hand (Personnel Boats)

## FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-51-FED-1-E 1 of 2

Basic Hourly Rates	H & W	Pensions	Vacation	App. E.
\$9.75	4.6%	9.5%	a	1.2%
9.69	4.6%	9.5%	a	1.2%
8.62	4.6%	9.5%	a	1.2%

AQ-2,013 P. 6

## BUILDING CONSTRUCTION

PA-51-FED-1-E 2 of 2

## WAGE GROUP I

Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above

## WAGE GROUP II

Engineers working with Dock Builders and Pile Drivers  
All types of cranes  
All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Barricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Working Machines in tunnel; Cradles; Front-end loaders over 3 cu. yd.; Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jacking or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over); Motor Patrols (Fine Grade); Batch Plant with Mixer; Machines similar to the above

## WAGE GROUP III

Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournspalls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y.  
Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers B-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above

## WAGE GROUP IV

Concrete breaking machines  
Rollers  
Machines similar to the above

## WAGE GROUP V

All bulldozers under D-7  
Tractors including rubber-tired type with front and overhead loaders under 2 c.y.  
Semian pulverizing mixer  
Welders and Maintenance Engineers  
Fireman on Power Equipment  
Maintenance Engineer (Power Boat)  
Machines similar to the above

## WAGE GROUP VI

Conveyors (Building)  
Welding Machines  
Heaters  
Wellpoints  
Compressors  
Farm Tractors  
Form line graders  
Road finishing machines  
Pumps  
Power Broom (Self contained)  
Seed Spreader  
Machines similar to the above

## WAGE GROUP VII

Fireman

## WAGE GROUP VIII

Oilers and Deck Hand (Personnel Boats)

## FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.



## BUILDING CONSTRUCTION

## Truck Drivers:

Class I  
Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles

Class II  
Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitation Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)

Class III  
Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Staddle (Boss) Carrier, Low-Boy Trailer

## FOOTNOTES:

a. Employee who have been on the employer's seniority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day, Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's seniority list, provided he works the schedule work days before and after the said holidays.

## SUPERSEDES DECISION

STATE: Pennsylvania

DECISION NO.: AQ-2014

COUNTY: Delaware

DATE: Date of Publication

Supercedes Decision No. AP-821, dated May 18, 1973, in 38 FR 13292.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

## 23-PA-1-W

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	\$9.12	.50	.30		.01
Boilermakers	8.85	.50	.60		
Bricklayers:	8.66	.77	.45	.45	.0025
Radnor and Haverford Twp.	8.60	.50	.62		
Remainder of County	8.77	1.23	.55		.07
Carpenters:	7.73	.89	.27		
Cement masons	9.81	4.42	1341.62		1/2 of 1%
Electricians	9.25	.345	.20	25+4+6	.015
Elevator constructors	6.475	.345	.20	25+4+6	.015
Elevator constructors' helpers (prob.)	8.38	.35	.30		.01
Glassers	8.68	.35	.30		.01
Glaziers - working 30 ft. above ground	9.00	.47	1.03		.04
Ironworkers, structural & ornamental	7.97				.01
Ironworkers, reinforcing	8.61	.225	.10		.025
Lathers	8.25	.30			.01
Lead burners	9.73	.15	1%		1%
Line Constructors:	6.81	.15	1%		1%
Linemen	5.84	.15	1%		1%
Winch truck operator	7.68	.47	.45		
Groundmen	9.27	.123	.55		.07
Marble-setters					
Millwrights					
Painters:					
Radnor, Haverford, Newton, Marple, Springfield, Upper Darby, Darby, Ridley, Tinticum Yeaton Twp.					
Brush	7.365	.275	.25	.30	.02
Rollers	7.365	.275	.25	.30	.02
Spray, steel and swing	7.565	.275	.25	.30	.02
Remainder of County					
Commercial, brush	7.35	.35	.20		
Commercial, spray	7.60	.35	.20		
Piledrivermen	9.22	1.08	.40		.07
Plasterers	8.50				.01
Plumbers	9.52	.57	.92		.08
Roofers:					
Composition	8.815	1.00	.80	d	
Composition helpers	4.70	.80	.35	d	
Slate, tile and asbestos	7.75	.40	.35		
Slate, tile and asbestos' helpers	4.68	.40	.35		
Asphalt shingle	6.43	.40	.35		
Asphalt shingle helper	4.68	.40	.35		



AQ-2014 P. 2

23-BA-1-8

AQ-2014 P. 3

PA-51-LA3 - W

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Sheet metal workers	\$10.00	.52	.50		.01
Soft floor layers	7.53	.53	.55	.40	.05
Sprinkler fitters	8.75	.50	.50		.08
Steam fitters	9.52	.57	.52		
Stone masons	7.45	.47	.45		
Tile setters	7.575	.65	.20		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
PAID HOLIDAYS (WHERE APPLICABLE):					
A-New Years' Day; B-Memorial Day; C-Independence Day;					
D-Labor Day; E-Thanksgiving Day; F-Christmas Day;					
FOOTNOTES:					
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					
b. Six 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. Election Day - paid holiday.					

## Building Construction

**Laborers:**  
 Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforcing steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamming of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of laborers

Mason tender, power buggies, burners on demolition

Wagon drill operator (single)

Powdermen, wagon drill operator (multiple)

Circular Caissons Excavation:  
 Caisson groundmen

Caisson bottom man

Underpinning Excavation:  
 Laborers, working at depth of 8 feet or under

Yard workers

## FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	OTHERS
\$5.71	.44	.20			
6.81	.44	.20			
6.86	.44	.20			
7.01	.44	.20			
7.01	.44	.20			
7.11	.44	.20			
7.01	.44	.20			
6.65	.44	.20			



AQ-2014 P. 5

PA-51-PED-1-E 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
<b>WAGE GROUP IV</b>					
Concrete breaking machines					
Rollers	\$8.40	4.6%	9.5%	a	1.2%
Machines similar to the above					
<b>WAGE GROUP V</b>					
All bulldozers under B-7					
Tractors including rubber-tired type with front and overhead loaders under 2 c.y.					
Seaman pulverizing mixer					
Welders and Maintenance Engineers					
Tireman on Power Equipment					
Maintenance Engineer (Power Boat)	8.10	4.6%	9.5%	a	1.2%
Machines similar to the above					
<b>WAGE GROUP VI</b>					
Conveyors (Building)					
Welding Machines					
Beaters					
Wellpoints					
Compressors					
Farm tractors					
Form line graders					
Road finishing machines					
Pumps					
Power Broom (Self contained)					
Seed Spreader	7.92	4.6%	9.5%	a	1.2%
Machines similar to the above					
<b>WAGE GROUP VII</b>					
Fireman	7.60	4.6%	9.5%	a	1.2%
<b>WAGE GROUP VIII</b>					
Oilers and Deck Hand. (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

## FOOTNOTE:

#1: Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

AQ-2014 P. 4

PA-51-PED-1-E 1 of 2

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION

## WAGE GROUP I

Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Hoists; Motors; Machines similar to the above

## WAGE GROUP II

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; Pippin type backhoes; Hoist with two towers; Tavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machine in tunnel; Gradaills; Front-end loaders over 3 cu. yd.; Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above

## WAGE GROUP III

Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y.

Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers B-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Other
\$9.75	4.6%	9.5%	a	1.2%	
9.49	4.6%	9.5%	a	1.2%	
8.62	4.6%	9.5%	a	1.2%	



PA-51-T01-C

## BUILDING CONSTRUCTION

## Truck Drivers:

Class I  
Warehouseman, Checker, Fork  
Lift Driver, Stake Body Truck  
(single axle), 1-1/2 ton and  
under vehicles

Class II  
Truck Driver over 1-1/2 tons,  
Dump Trucks, Tandem & Batch  
Trucks, Semi-Trailers, Agitated  
Mixer Trucks, and Dumpcrete  
Type Vehicles, Asphalt Distri-  
butors, Farm tractor when used  
for transportation, Stake Body  
Truck (Tandem)

Class III  
Euclid Type, Off-Highway Equip-  
ment-Back or Belly Dump Trucks  
and Double-Matched Equipment  
Staddle (Hoss) Carrier, Low-  
Bed Trailers

## FOOTNOTES:

a. Employee who have been on  
the employer's seniority  
list for a period of one (1)  
year from date of hire and  
who shall have worked a  
minimum of one-hundred  
thirty (130) days in the  
year previous to his anni-  
versary date, shall be  
eligible for one (1)  
week's vacation.

b. Paid Holidays: Memorial Day  
Independence Day & Labor  
Day for employee who have  
worked a minimum of thirty  
days and are on the employ-  
er's seniority list, provided  
he works the schedule work  
days before and after the  
said holidays.

STATE: Pennsylvania

DECISION NO.: AQ-2,015

Supersedes Decision No. AF-404, dated July 28, 1972, in 37 FR 15229.

DESCRIPTION OF WORK: Residential construction of single family homes and garden  
type apartments up to and including 4 stories.

## SUPPLEMENTARY DECISION

COUNTIES: Bucks, Chester, Delaware,

Montgomery and Philadelphia

DATE: Date of Publication

DATE: Date of Publication

DATE: Date of Publication

DATE: Date of Publication

DATE: Date of Publication

DATE: Date of Publication

51-PA-1-H

	Basic Monthly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. To	Other
Asbestos workers	\$9.12	.50	.50			
Boilermakers	8.85	.40	1.00			.01
Bricklayers	8.66	.77	.45			.0025
Carpenters	8.77	1.23	.55		.45	.07
Cement masons	7.73	.89	.27			
Electricians	9.72	.26	124.24			2%
Elevator constructors	9.25	.345	.20	214a+b		.015
Elevator constructors' helpers	6.475	.345	.20	214a+b		.015
Elevator constructors' helpers (Prob.)	4.625					
Glaziers	8.38	.35	.30			.01
Glaziers working 30' above ground	8.68	.35	.30			.01
Ironworkers, structural	9.00	.47	1.03			.04
Ironworkers, ornamental	9.00	.47	1.03			.04
Ironworkers, reinforcing	7.97					.01
Lathers	8.61	.225	.10			.01
Lead burners	8.25	.30		c		.01
Line Constructors:						
Linemen	9.73	.15	1%			1%
Groundmen	5.84	.15	1%			1%
Winch truck operator	6.81	.15	1%			1%
Marble setters	7.68	.47	.45			
Millwrights	9.27	1.23	.55			.07
Painters:						
Brush	7.365	.275	.25		.30	.02
Spray, steel & swing	7.545	.275	.25		.30	.02
Roller	7.365	.275	.25		.30	.02
Piledrivers	9.22	1.08	.40			.07
Plasterers	8.52	.53				.01
Plumbers	9.52	.37	.92			.08
Pointers, caulkers and cleaners	8.10	.35				
Roofers:						
Composition, damp & waterproofers	8.815	1.00	.55	d		
Composition helpers	4.70	.80	.55	d		
Slate, tile and asbestos	7.75	.40	.35			
Slate, tile and asbestos helpers	4.68	.40	.35			
Asphalt shingle	6.43	.40	.35			
Asphalt shingle helpers	4.68	.40	.35			



AQ-2,015 P. 2

51-PA-1. H

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Sheet metal workers	\$10.00	.52	.50		.01
Soft floor layers	7.53	.93	.55		.07
Sprinkler fitters	9.70	.30	.50		.04
Steam fitters	9.52	.57	.92		.08
Stone setters	8.08	.47	.45		
Tile setters	7.575	.65	.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 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. Paid Holidays: A through F. c. Paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 65 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday. d. Election Day - paid holiday.					

AQ-2,015 P. 3

PA-51-LA8 - W

	FRINGE BENEFITS PAYMENTS			
	BASIC HOURLY RATES	H & W	PENSIONS	VACATION
Laborers: Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all re-inforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tampering of asphalt, spading & concrete pit work, grading, form piling, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	\$6.71	.44	.20	
Mason tender, power buggies, burners on demolition	6.81	.44	.20	
Wagon drill operator (single)	6.86	.44	.20	
Powdermen, wagon drill operator (multiple)	7.01	.44	.20	
Circular Caissons Excavations: Caisson groundmen	7.01	.44	.20	
Caisson bottom man	7.11	.44	.20	
Underpinning Excavations: Laborers, working at depth of 8 feet or under	7.01	.44	.20	
Yard workers	6.65	.44	.20	



## POWER EQUIPMENT OPERATORS

PA-51-FED-1 - 5 1 of 2

PA-51-FED-1-2 2 of 2

Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				App. To
	M & W	Pension	Vacation	App. To	
<u>WAGE GROUP I</u>					
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	\$9.75	4.6%	9.5%	a	1.2%
<u>WAGE GROUP II</u>					
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; Pippin type backhoes; Hoist with two covers; Pavers ZIE and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mocking Machines in tunnel; Cradalls; Front-end loaders over 3 cu. yd.; Boat Captain; Trench scrapers; Tower type crane operation, erecting, dismantling, jacking or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over); Motor Patrols (Fine Grade); Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%
<u>WAGE GROUP III</u>					
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to 8 including 3 c.y.					
Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%

Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				App. To
	M & W	Pension	Vacation	App. To	
<u>WAGE GROUP IV</u>					
Concrete breaking machines					
Rollers					
Machines similar to the above	\$8.40	4.6%	9.5%	a	1.2%
<u>WAGE GROUP V</u>					
All bulldozers under D-7					
Tractors including rubber-tired type with front and overhead loaders under 2 c.y.					
Seaman-pulverizing mixer					
Welders and Maintenance Engineers					
Tireman on Power Equipment					
Maintenance Engineer (Power Boat)					
Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
<u>WAGE GROUP VI</u>					
Conveyors (Building)					
Welding Machines					
Welders					
Wellpoints					
Compressors					
Farm Tractors					
Form line graders					
Road finishing machines					
Pumps					
Power Broom (Self contained)					
Seed Spreader					
Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
<u>WAGE GROUP VII</u>					
Fireman					
	7.40	4.6%	9.5%	a	1.2%
<u>WAGE GROUP VIII</u>					
Gillers and Deck Hand (Personnel Boats)					
	6.66	4.6%	9.5%	a	1.2%

## FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.



PA-51-JD-1 C	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Vacation	App. Tr.
Truck Drivers:				
Class I Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles	\$6.12	.3675	.35	abb
Class II Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitation Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	abb
Class III Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Staddle (Ross) Carrier, Low-Boy Trailers	6.42	.3675	.35	abb

## FOOTNOTES:

- a. Employee who have been on the employer's seniority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.
- b. Paid Holidays: Memorial Day, Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's seniority list, provided he works the schedule work days before and after the said holidays.

STATE: Pennsylvania  
 DECISION NO.: AQ-2,015  
 SUPERSEDES DECISION NO. AP-490, dated March 9, 1973, in 38 FR 6624.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

48-PA-1 X

Building Construction	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Vacation	App. Tr.
Asbestos workers	\$ 7.83	.30	.30	.01
Boilermakers	8.85	.50	1.00	.01
Bricklayers & Stonemasons - Bethlehem	7.85	.30	.41	
Bricklayers & Stonemasons - Remainder of County	7.30	.30		
Bricklayers, Cement Finishers, Stonemasons & Plasterers (Bangor)	5.70			
Carpenters	8.27	.28	.21	
Cement masons, Bethlehem	7.41	.30	.41	
Cement masons, Remainder of County	7.30	.30		
Electricians:				
Allen, Hanover, Lehigh, Bath, Free-mansburg, Hallertown and Bethlehem	8.575	.20	11	.01
Remainder of County	9.00	.36	12+.15	1/4 of 11
Glassers	7.32	.25	.10	.01
Ironworkers, structural	8.78	d		
Ironworkers, ornamental	8.78	d		
Ironworkers, reinforcing	8.78	d		
Laborers, Building:				
Unskilled laborers	5.90	.20	.20	
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)	6.15	.20	.30	
Plasterer and Mason Tenders, scaffolds, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunning and molder-2, and sand blasters helpers	6.24	.20	.20	
Barbo Taper Operator	6.40	.20	.25	e
Lathers	8.25	.30		.01
Lead burners	9.00	.15	11	.51
Lime Construction:				
Linemen	9.00	.15	11	.51
Cable splicer	5.40	.15	11	.51
Groundman	6.30	.15	11	.51
Winch truck operator	8.67	.28	.21	
Millwrights	6.50	.22	.20	
Painters (Bethlehem):				
Brush	7.25	.22	.20	
Structural Steel	7.00	.22	.20	
Spray				



AQ-2,016 P. 3

48-24-1-X

## BUILDING CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	M & M	PENSIONS	VACATION	APP. TR.
Painters, Remainder of County	.15	.15		
Brush	.15	.15		
Structural Steel	.15	.15		
Spray	1.08	.40	.07	
Piledrivers	.30	.41		
Plasterers, Bethlehem	.30	.30	.50	
Plasterers, Remainder of County	.30	.30		
Plumbers	.15	.15		
Roofers, Composition, Slate & Tile	.15	.15		
Roofers, helpers	.15	.15		
Sheet metal workers	.30	.50		
Soft floor layers	.07	.06		
Sprinkler fitters	.30	.50	.05	
Steamfitters	.30	.30	.50	.01
Terrazzo workers	.30	.41		
Truck Drivers:				
Class I				
Helper, Stake Body Truck (single axle), Dumpster				
Class II				
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Concrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)				
Class III				
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Boss) Carrier, Low-Bed Trailers				

Welders- receive rate prescribed for craft performing operation to which welding is incidental.

Paid Holidays (Where Applicable):  
A-New Years' Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## Footnotes:

a. 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.

d. Employer contributes \$1.50 to a combined Health and Welfare Fund.



MQ-2,016 P. 4

DA-22-FSD-1-2  
D

PROCESS DRIVEN OPERATIONS

## BUILDING CONSTRUCTION

WAGE GROUP 1

machines doing book work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

## PAGE COMPT VI

All types of cranes, all types of backhoes, cableways, trench shovels, all types of shovels, derrick, drag shovels, trenching machines, hoists with two towers, pavers 11E and over, all types overhead crane building hoists (double drum) gradalls, mocking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

WAGE CRISP TII

Conveyors, building hoists (single drum), scrapers and turnpulleys, spreaders, high or low pressure boilers, concrete pumps, wall drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-4 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operators, forklift trucks under 20 ft. lift, machinist similar to the above

## PAGE GROUP IV

Welding machines, well points, compressors, pumps, heaters, farm tractors, farm line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tirecure (for power equipment), machines similar to the above.

## PAGE GROUP V

Fireman, grease truck

## PAGE GROUP VI

Oilers and deck hands (personnel boats), core

drill helper

GRACE GROUP VII

ALL MACHINES WITH BOOMS (including fibre masts.

leads, etc.):

100 ft. and over

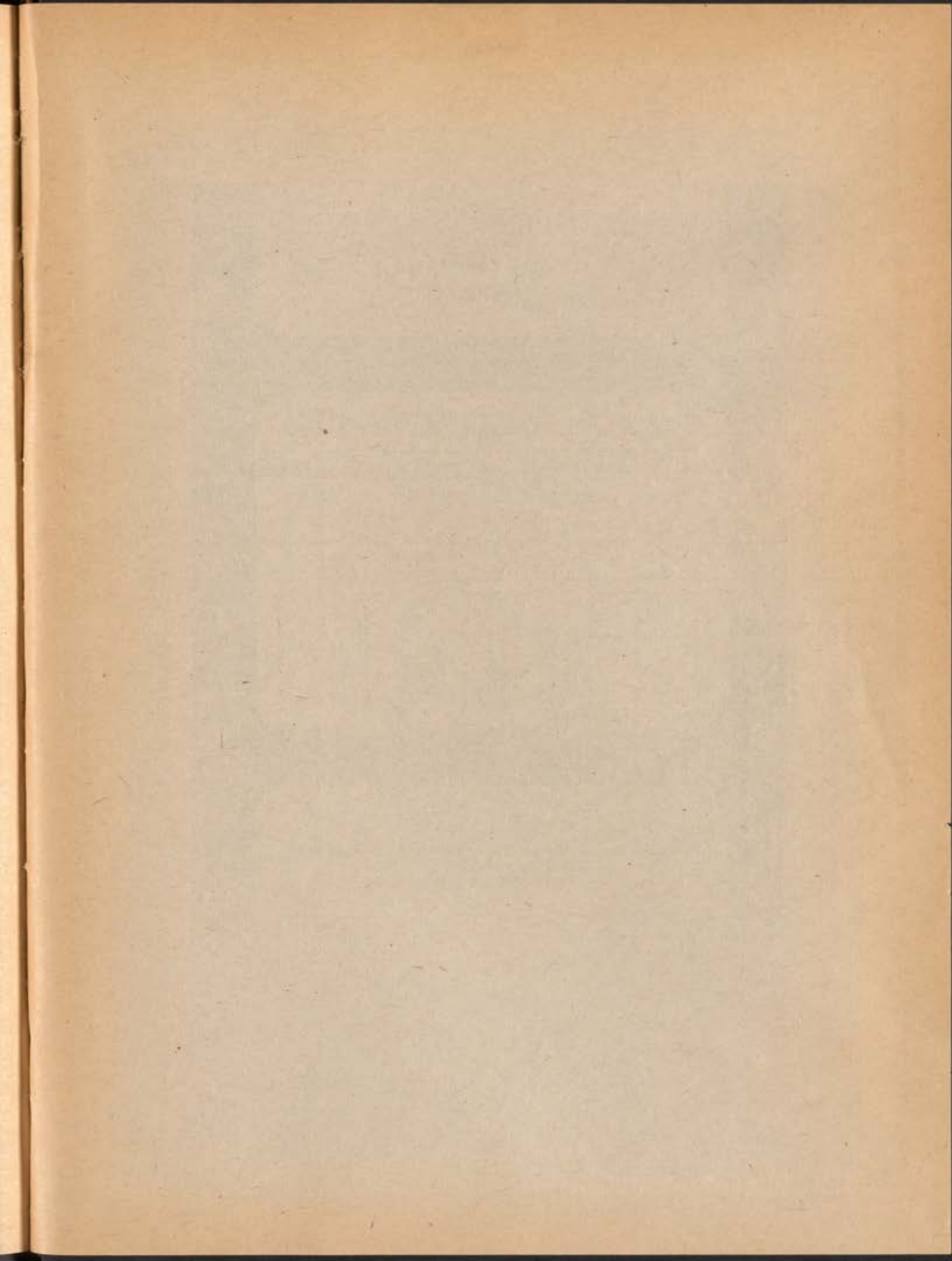
150 ft. and over

**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.

PR Doc.73-16881 Filed 8-16-73:8:45 am







**MICROFILM EDITION  
FEDERAL REGISTER  
35mm MICROFILM**

**Complete Set 1936-71, 202 Rolls \$1,439**

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	\$7	13	1948	\$28	25	1960	\$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42	36	1971	97

Order Microfilm Edition from Publications Sales Branch  
National Archives and Records Service  
Washington, D.C. 20408