U.S. GOVERNMENT INFORMATION GPO

federal register

August 31, 1973—Pages 23505–23763

FRIDAY, AUGUST 31, 1973
WASHINGTON, D.C.
Volume 38 ▪ Number 169
Pages 23505–23763
PART I

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.

EQUAL EMPLOYMENT OPPORTUNITY—Justice Department issues guidelines; effective 8–31–73 23516

HOME LOANS—VA increases interest rate; effective 8–25–73 23519

EDUCATION—VA clarifies school reporting requirements; comments by 10–1–73 23541

PATENT RIGHTS—DOT develops rules governing inventions made under certain DOT contracts; comments by 10–17–73 23536

SAFE LOADING OF COMMERCIAL VEHICLES—DOT revises regulations; effective 10–1–73 23520

PAYMENT OF TIME DEPOSITS—FRS amendment relating to withdrawal before maturity; effective 9–10–73 23512

DANGEROUS CARGO—DoT considers markings for portable tanks and packages containing radioactive materials; comments by 11–5–73 23535

NON-TYPE ACCEPTED TRANSMITTERS—FCC permits licensing to government contractors; effective 10–4–73 23519

MIGRATORY BIRDS—Interior Department issues 1973–74 hunting regulations for waterfowl, coots, cranes, snipe, and gallinules; effective 9–29–73 23524

PART II:

ECONOMIC STABILIZATION—CLC issues Phase IV pay regulations 23613

PART III:

ECONOMIC STABILIZATION—CLC proposal regarding executive compensation; comments by 9–17–73 23628

PART IV:

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION—Labor Department modifies hourly wage rates and fringe benefit payments in certain states 23645

MEETINGS—

National Science Foundation: Ad Hoc Task Group No. 2, Advisory Committee for Research, 9–25 and 9–26–73 23561

Interior Department: Wyoming State Multiple Use Advisory Board, 9–19, 9–20 and 9–21–73 23544

HEW: National Advisory Council on Education Professions Development, 9–13 and 9–14–73 23545

EPA: National Air Quality Criteria Advisory Committees 9–20–73 23556

Civil Rights Commission: Arizona State Advisory Committee, 9–8–73 23555

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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

AUGUST 31

FCC—Radio services; nongovernmental fixed and land mobile telemetering operations..... 20435; 8–1–73

GSA—Labor standards for contracts involving construction.... 21404; 8–8–73

federal register

Area Code 202 Phone 523-5240

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.

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Fresh Bartlett pears grown in Oregon and Washington; expenses and rate of assessment ... 23511
Lemons grown in California and Arizona; limitation of handling ... 23511

Proposed Rules

Milk in the Austin-Waco, Texas, marketing area; suspension of certain provisions of the order ... 23535

Notices

Grain standards; inspection point:
Battle Creek, Michigan ... 23544
Illinois ... 23544
Texas ... 23545

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Crop Insurance Administration.

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Granting of relief (2 documents) ... 23543

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Biological products; licenses and permits; miscellaneous amendments ... 23512

Proposed Rules

Cured products; labeling policy; changes in interpretation; correction ... 23535

ATOMIC ENERGY COMMISSION

Notices

Hearings on applications for construction permits:
Delmarva Power & Light Co., et al ... 23547
Potomac Electric Power Co ... 23549
Public Service Electric and Gas Co.; prehearing conference ... 23550
Receipt of applications for construction permits and facility licenses; availability of environmental report:
Delmarva Power & Light Co., et al ... 23546
Potomac Electric Power Co ... 23548

CIVIL AERONAUTICS BOARD

Notices

Air Traffic Conference of America; agreement on public air-ground telephone service ... 23550
Gateway Aviation Ltd.; postponement of prehearing conference and hearing ... 23551
Traffic Conferences of the International Air Transport Assn.; agreement on North/Central Pacific cargo rates ... 23551

CIVIL RIGHTS COMMISSION

Notices

Arizona State Advisory Committee; open meeting ... 23555

CIVIL SERVICE COMMISSION

Notices

Grants of authority to make noncareer executive assignments:
Defense Department ... 23555
Federal Communications Commission ... 23556
Health, Education, and Welfare Department (2 documents) ... 23555
Interior Department (2 documents) ... 23556
Justice Department; title change in noncareer executive assignment ... 23556
Revocation of authority to make noncareer executive assignments:
Citizens' Advisory Committee on Environmental Quality ... 23555
Civil Aeronautics Board ... 23555
Federal Communications Commission ... 23556
Health, Education, and Welfare Department ... 23555
Labor Department ... 23556
Tax Court ... 23556

COAST GUARD

Proposed Rules

Marking of packages containing radioactive materials ... 23535

COST OF LIVING COUNCIL

Rules and Regulations

Phase IV pay regulations ... 23613

Proposed Rules

Executive and variable compensation ... 23628

EDUCATION OFFICE

Notices

National Advisory Council on Education Professions Development; public meeting ... 23545
Training and continuation grants, applications; closing dates ... 23545

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and Federally assisted construction; modifications and supersedeas decisions to general wage determination decisions ... 23645

ENVIRONMENTAL PROTECTION AGENCY

Notices

National Air Quality Criteria Advisory Committee; meeting ... 23556
Occupational Safety Requirements for pesticides; hearings ... 23556
Pollutants in publicly owned treatment works; pretreatment guidelines ... 23557

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Area low route; designation ... 23514
Colored Federal Airways, control zone, transition area, reporting point; alteration, redesignation, and designation ... 23513
Reporting points; designation ... 23514
Rockwell International model NA-265 series airplanes; airworthiness directives ... 23513
Transition area; alteration ... 23514

Proposed Rules

Designation:
Area low routes ... 23536
Transition area ... 23536

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Licensing of non-type accepted transmitters to U.S. Government contractors ... 23519

FEDERAL CROP INSURANCE CORPORATION

Rules and Regulations

Arizona-Desert Valley Citrus; 1967 and succeeding crop years; correction ... 23511

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Safe loading of commercial motor vehicles; revision ... 23520

FEDERAL MARITIME COMMISSION

Proposed Rules

Port of New York; uniform rules and regulations governing free time on import containerized cargo ... 23540

Notices

Agreements filed:
American Mail Line, Ltd. and Cho Yang Shipping Co ... 23557
Port of Seattle and Sea-Land Service, Inc ... 23557

FEDERAL POWER COMMISSION

Rules and Regulations

Form No. 16; reports of gas supply and requirements ... 23515

(Continued on next page)

Notices

El Paso Natural Gas Co.; compliance filing 23558

United Gas Pipe Line Co.:

Application 23558

Order modifying procedural dates 23558

FEDERAL RESERVE SYSTEM

Rules and Regulations

Payment of time deposits before maturity 23512

Prepaid finance charges; add-ons and discounts 23513

Notices

Heritage Bancorporation; acquisition of bank 23560

Order approving acquisition of bank:

Fort Worth National Corp. 23559

Hawkeye Bancorporation 23560

First Newton Bankshares, Inc.; order approving formation of bank holding company 23559

United Virginia Bankshares Inc.; approval of acquisition of United Virginia Bank of Charlottesville 23561

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting:

Bombay Hook National Wildlife Refuge, Del 23532

Erie National Wildlife Refuge, Penn 23533

Kirwin National Wildlife Refuge, Kansas 23532

National Elk Refuge, Wyoming 23533

Prime Hook National Wildlife Refuge, Del 23533

Open seasons, bag limits, and possession of certain migratory game birds 23524

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; National Institutes of Health.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Office of General Counsel; designation and redelegation 23546

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

American Coal Co., et al; opportunity for public hearing 23561

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; Reclamation Bureau.

Notices

Kalispel Indian Reservation; change in jurisdiction 23544

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 23565

Motor Carrier Board transfer proceedings 23564

Motor carrier temporary authority applications 23562

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See Employment Standards Administration.

LAND MANAGEMENT BUREAU

Rules and Regulations

Wild free-roaming horse and burro management; correction 23519

Notices

Wyoming State Multiple Use Advisory Board; meeting 23544

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Rules and Regulations

Equal Employment opportunity; revised guidelines 23516

NATIONAL INSTITUTES OF HEALTH

Notices

Advisory Committees; renewals 23545

NATIONAL SCIENCE FOUNDATION

Notices

Advisory Committee for Research; Ad Hoc Task Group meeting 23561

RECLAMATION BUREAU

Notices

Proposed Hayden-Ault 345-KV Transmission Line & Ault Substation; public hearing on draft environmental statement 23544

SECURITIES AND EXCHANGE COMMISSION

Notices

Spokane Stock Exchange et al.; filing of supplemental information 23562

SMALL BUSINESS ADMINISTRATION

Proposed Rules

Small business; definition for purpose of SBA financial assistance for Standard Industrial Classification Industry 5271, mobile home dealers (Retail) 23541

Notices

Synergy Capital Corp.; application for license to operate as a Small Business Investment Company 23562

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration Federal Highway Administration.

Proposed Rules

Determination of rights to inventions; procurement regulations 23536

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.

Notices

Commissioner of Internal Revenue; delegation of authority to act as "Competent or Taxation Authority" under tax treaties 23543

VETERANS ADMINISTRATION

Rules and Regulations

Loan guaranty; interest rate change 23519

Proposed Rules

Reports by schools; requirements 23541

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.

6 CFR

152 23614

PROPOSED RULES:

152 23628

7 CFR

409 23511

910 23511

931 23511

PROPOSED RULES:

1129 23535

9 CFR

102 23512

105 23512

PROPOSED RULES:

317 23535

12 CFR

217 23512

226 23513

13 CFR

PROPOSED RULES:

121 23541

14 CFR

39 23513

71 (4 documents) 23513, 23514

PROPOSED RULES:

71 (2 documents) 23536

18 CFR

3 23515

260 23515

28 CFR

42 23516

38 CFR

36 23519

PROPOSED RULES:

21 23541

41 CFR

PROPOSED RULES:

12-9 23536

43 CFR

4110 23519

46 CFR

PROPOSED RULES:

146 23535

526 23540

47 CFR

81 23520

83 23520

87 23520

49 CFR

392 23520

393 23520

50 CFR

20 23524

32 (5 documents) 23532, 23533

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 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 7]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

ARIZONA-DESERT VALLEY CITRUS

Correction

In FR Doc. 73-16949 appearing at page 21994 of the issue for Wednesday, August 15, 1973, the following changes should be made in clause 23 of § 409.25:

1. In the thirty-fourth line of paragraph (g), the word "its" should read "it".

2. In the eighth line of paragraph (i), the word "pensions" should read "persons".

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

[Lemon Reg. 601]

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 September 2-8, 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.

§ 910.901 Lemon Regulation 601.

(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 regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has eased and is expected to continue to ease, reflecting decreased order business, since the trade is well stocked, and next week will be a short selling week due to Labor Day. Average f.o.b. price was $7.76 per carton the week ended August 25, 1973, compared to $7.30 per carton the previous week. Track and rolling supplies at 117 cars were down 3 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 regulation 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 regulation is based became available and the time when this regulation 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 persons were afforded an opporunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation 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 28, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 2, 1973, through September 8, 1973, is hereby fixed at 225,000 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 29, 1973.

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

[FR Doc.73-18702 Filed 8-30-73;11:29 am]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Rate of Assessment

This document authorizes expenses of $18,105 by the Northwest Fresh Bartlett Pear Marketing Committee, under Marketing Order No. 931, for the 1973-74 fiscal period and fixes a rate of assessment of $0.01 per standard western pear box of Bartlett pears.

On August 9, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 21499) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1973, through June 30, 1974, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This notice allowed interested persons until August 24, 1973 to submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Northwest Fresh Bartlett

Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 931.208 Expenses, and rate of assessment.

(a) *Expenses.*—Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1973, through June 30, 1974, will amount to $18,105.

(b) *Rate of assessment.*—The rate of assessment for said period, payable by each handler in accordance with § 931.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of the current crop of Bartlett pears grown in Oregon and Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1973, and said rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: August 27, 1973.

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

[FR Doc.73-18560 Filed 8-30-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 102—LICENSES AND PERMITS FOR BIOLOGICAL PRODUCTS

PART 105—SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

Miscellaneous Amendments

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), Subchapter E, Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 105 and redesignating § 102.51 as § 105.1, section 102.5 (d)(4) as § 105.2, § 102.52 as § 105.3, and § 102.5(d)(2) as § 105.4 as follows:

§ 102.5 [Amended]

1. Subparagraphs (2) and (4) of § 102.5(d) are reserved.

§§ 102.51 and 102.52 [Deleted]

2. Sections 102.51 and 102.52 to be deleted.

3. Part 105 to read:

Sec.
105.1 Suspension or revocation.
105.2 Notification of infractions.
105.3 Notices re worthless, contaminated, dangerous, or harmful biological products.
105.4 Termination of licenses for inactivity.

AUTHORITY: The provisions of this Part 105 issued under 37 Stat. 832-833 (21 U.S.C. 151-158).

§ 105.1 Suspension or revocation.

(a) An establishment license, product license, special license or permit issued under the Virus-Serum-Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this subchapter if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said Act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

(1) The construction of the establishment in which the biological product is prepared is defective, or the establishment is not conducted as required by the regulations in Parts 101 through 117 of this subchapter;

(2) The methods of preparation of the product are faulty, or the product contains impurities or lacks potency;

(3) The product is so labeled or advertised as to mislead or deceive the purchaser in any particular;

(4) The licensee or permittee has violated or failed to comply with any provision of the Virus-Serum-Toxin Act or the regulations in Parts 101 through 117 of this subchapter;

(5) The license or permit is otherwise used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation, contrary to the Virus-Serum-Toxin Act, of any worthless, contaminated, dangerous, or harmful biological product.

(b) In case of willfulness or where the public health, interest, or safety so requires the Secretary may, without hearing, informally suspend such establishment license, product license, special license, or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this subchapter for suspension or revocation of the license or permit.

§ 105.2 Notification of infractions.

If an infraction of a requirement of a product license or special license is brought to the attention of the licensee by written notification thereof by Veterinary Services, a subsequent violation of similar nature occurring with the same licensed biological product within 6 months of the said written notification shall be primafacie evidence of willful violation and the license for the product shall be subject to suspension or revocation under the provisions of § 105.1(b).

§ 105.3 Notices re worthless, contaminated, dangerous, or harmful biological products.

(a) If at any time it appears that the preparation, sale, barter, exchange, shipment, or importation, as provided in the Virus-Serum-Toxin Act, of any biological product by any person holding a license or permit may be dangerous in the treatment of domestic animals, the Secretary may without hearing notify the licensee or permittee, and pending determination of formal proceedings instituted under Part 123 of this subchapter for suspension or revocation of the license or permit insofar as it authorizes the manufacture or importation of the particular product, no person so notified shall thereafter so prepare, sell, barter, exchange, ship, deliver for shipment, or import such product.

(b) If a serial of biological product is found to be unsatisfactory according to applicable Standard Requirements, the Deputy Administrator may notify the licensee to stop distribution and sale of the serial.

§ 105.4 Termination of licenses for inactivity.

If a licensed biological product has not been prepared by the licensee for a period of 5 years, the Deputy Administrator may require that the licensee show intent to resume production within 6 months or the product license or special license whichever is applicable be terminated.

These amendments are merely editorial and make no substantive change in the regulations. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 28th day of August 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[F.R. Doc.73-18515 Filed 8-30-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Payment of Time Deposits Before Maturity

On July 24, 1973, the Board of Governors invited public comments to be submitted by August 13, 1973, on a proposed amendment to its Regulation Q that would treat, as a payment of a time deposit before maturity, any amendment to the time deposit contract that results in either an increase in interest rate or

a change in the maturity of the deposit (38 FR 20108.). Such treatment would mean that the penalty for early withdrawals, provided in § 217.4(d) of Regulation Q, would apply at the time of any such amendment to the contract.

After consideration of all comments received, the Board has decided to adopt the proposal. At the same time, the Board decided to revoke its interpretations of Regulation Q published at 12 CFR 217.102, 217.122, and 217.123.

Effective September 10, 1973, § 217.-4(d) of its Regulation Q (12 CFR Part 217) is amended by adding a new sentence at the end thereof to read as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty for early withdrawals.* * * *

Any amendment of a time deposit contract that results in an increase in the rate of interest paid or in a change in the maturity of the deposit constitutes a payment of the time deposit before maturity.

* * * * *

The effective date was deferred for less than the 30-day period referred to in Title 5, United States Code, section 553(d), because the Board found the general credit situation and the public interest compelled it to make the action effective no later than the date adopted. See § 262.2(e) of the Board's Rules of Procedure (12 CFR 262.2(e)).

By order of the Board of Governors, August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18487 Filed 8-30-73;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Add-on and Discount Finance Charges as Prepaid Finance Charges

This interpretation intends to make that the typical "add-on" or "discount" charge or other precomputed finance charge on an instalment contract or other obligation need not be labeled a "prepaid" finance charge.

Part 226 of Title 12 is amended by adding the following section.

§ 226.819 Prepaid finance charges; add-ons and discounts.

(a) Section 226.8(c)(6), 226.8(d)(2) and 226.8(e)(1) require that certain finance charges be disclosed as "prepaid finance charges." They also require that such prepaid finance charges be excluded or deducted from the credit extended in arriving at the "amount financed." The question arises whether add-on, discount or other precomputed finance charges which are reflected in the face amount of the debt instrument as part of the customer's obligation, but which are excluded from the "amount financed," must be labeled as "prepaid" finance charges.

(b) The concept of prepaid finance charges was adopted to insure that the "amount financed" reflected only that credit of which the customer had the actual use. Precomputed finance charges which are included in the face amount of the obligation are not the type contemplated by the "prepaid" finance charge disclosure concept. Although such precomputed finance charges are not to be included in the "amount financed," they need not be regarded as finance charges "paid separately" or "withheld by the creditor from the proceeds of the credit extended" within the meaning of § 226.8(e) to require labeling "prepaid" under §§ 226.8(c)(6) and 226.8(d)(2). They are "finance charges", of course, to be disclosed under §§ 226.8(c)(8) and 226.8(d)(3).

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639).

By order of the Board of Governors, August 23, 1973.

[SEAL] THEODORE ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18488 Filed 8-30-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-9-AD, Amdt. 39-1707]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Model NA-265 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wings for cracks and repair, if necessary, on Rockwell International Model NA-265 Series airplanes was published in 38 FR 17248.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL INTERNATIONAL. Applies to Sabreliner Model NA-265 Series airplanes certificated in all categories.

Compliance required as indicated after the effective date of this A.D.

To detect possible cracks, corrosion, or breaks in the surface finish in the wing spars and related areas, accomplish the following:

(a) On or before June 18, 1974, unless previously accomplished within one year, and at intervals not to exceed two years thereafter, inspect the upper and lower flanges of the front and rear spars in the area of the wing center section, and the lugs on the rear spar and wing trailing edge panel rib, per the instructions of Rockwell International, Inc., Sabreliner Division Service Bulletin No. 73-11, dated June 18, 1973, or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Prior to further flight, if cracks, corrosion, or breaks in the surface finish are found in the front or rear spars in the area of the wing center section, replace with like serviceable parts, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Prior to further flight, if cracks are found in the lugs on the rear spar and wing trailing edge rib, replace with like serviceable parts, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Airplanes may be operated in accordance with FAR 21.197 to a base where maintenance is to be performed.

This amendment becomes effective October 8, 1973.

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

Issued in Los Angeles, Calif., August 23, 1973.

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

[FR Doc.73-18501 Filed 8-30-73;8:45 am]

[Airspace Docket No. 73-AL-17]

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

Alteration of Colored Federal Airways, Redesignation of Control Zone, Transition Area, and Designation of Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to redesignate the Nenana, Alaska, control zone and transition area and redescribe colored Federal Airways and reporting points.

This action is based on the conversion of the Nenana low frequency range to a nondirectional radio beacon and the need to eliminate the duplication of navaid location names at Nenana, Alaska, in compliance with current criteria. The VORTAC will retain the name "Nenana VORTAC" with the identification "ENN." The nondirectional radio beacon is renamed "JULIUS" with a new identifier "JUS."

On March 1, 1971, the Federal Aviation Administration issued a Notice under Aeronautical Study No. 71-AL-18NR, proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons. No objections were received.

Therefore, the Nenana low frequency range will be permanently converted to a nondirectional radio beacon with a new name and identifier effective October 11, 1973.

Since these amendments change only the type and name of the navigational aid on which the airspace is described

and make no change to the current airspace configuration, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate editorial changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. Section 71.107 (38 F.R. 306) in R-27 * * * "Nenana, Alaska, RR;" is deleted and * * * "Julius, Alaska, RBN;" * * * is substituted therefor.

In R-39 * * * "Nenana, AK., RR;" * * * is deleted and * * * "Julius, Alaska, RBN;" * * * is substituted therefor.

2. Section 71.171 (38 FR 351) Nenana, Alaska, control zone is amended to read:

NENANA, ALASKA

Within a 5-mile radius of the Nenana airport (latitude 64°32'56" N, longitude 149°-04'24" W); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius zone to 8.5 miles southeast of the RBN. This control zone is effective during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

3. Section 71.181 (38 FR 435) Nenana, Alaska, transition area is amended to read:

NENANA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nenana airport (latitude 64°32'56" N, longitude 149°04'24" W); and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius area to 10.5 miles southeast of the RBN.

4. Section 71.211 (38 FR 618) low altitude reporting points, delete "Nenana, Alaska, RR" and add "Julius, Alaska, RBN."

(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 Anchorage, Alaska, on August 23, 1973.

THOMAS J. CRESWELL,
Director,
Alaskan Region.

[FR Doc.73-18503 Filed 8-30-73;8:45 am]

[Airspace Docket No. 72-CE-25]

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

Alteration of Transition Area

On page 28190 of the FEDERAL REGISTER dated December 21, 1972, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Scottsbluff, Nebraska.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 8, 1973.

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

Issued in Kansas City, Mo., on August 16, 1973.

JOHN M. CYROCKI,
Director,
Central Region.

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

SCOTTSBLUFF, NEBR.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of the Scottsbluff County Airport (latitude 41°52'30" N., longitude 103°35'40" W.); within 4.5 miles south and 9.5 miles north of the Scottsbluff VORTAC 079° radial; extending from the 9½-mile radius area to 13 miles east of the VORTAC, within 4.5 miles southwest and 9½ miles northeast of the ILS localizer southeast course extending from the 9½-mile radius area to 13 miles southeast of the outer marker; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Scottsbluff VORTAC.

[FR Doc.73-18504 Filed 8-30-73;8:45 am]

[Airspace Docket No. 72-WA-13]

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

Designation of Terminal Control Area; Correction

On May 24, 1973, FR Doc. 73-10331 was published in the FEDERAL REGISTER (38 FR 13635), designating the Dallas-Ft. Worth, Tex., Group I terminal control area (TCA) effective September 30, 1973, coincidental with the opening of the new Dallas-Ft. Worth Airport.

The official opening of the Dallas-Ft. Worth Airport has been delayed until 0601 G.m.t., October 28, 1973. Accordingly, the effective date of the related terminal control area should be postponed to coincide with the opening of the new airport.

Since it is desirable that the public be made aware of this postponement immediately, notice and public procedure thereon are impracticable and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, FR Doc. 73-10331 (38 FR 13635) is amended, effective on August 31, 1973, as here hereinafter set forth.

The effective date "0901 G.m.t. September 30, 1973" is deleted and "0601 G.m.t. October 28, 1973" 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 Washington, D.C., on August 17, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18505 Filed 8-30-73;8:45 am]

[Airspace Docket No. 73-WA-34]

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

Designation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Cod VHF Reporting Point and the Haddock VHF Reporting Point.

The Cod LF Reporting Point is designated at the INT of the Nantucket, Mass., RBN 089° bearing and the W boundary of the New York Oceanic Control Area. The Haddock LF Reporting Point is designated at the INT of a rhumb line from Nantucket, Mass., RBN to Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area. Designation of VHF reporting points at these same locations is required to ensure that VHF-equipped aircraft report when passing over Cod and Haddock. Such action is taken herein.

Since designation of reporting points is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. However, in order to allow sufficient time for these additions to be reflected on appropriate aeronautical charts, good cause exists for making the amendment effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

Section 71.209 (38 FR 616) is amended by adding the following:

1. Cod INT: INT Nantucket, Mass., 089° radial and the W boundary of New York Oceanic Control Area.

2. Haddock INT: INT Nantucket, Mass., 157° radial and the W boundary of New York Oceanic Control Area.

(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 Washington, D.C., on August 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18502 Filed 8-30-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES, NATURAL GAS ACT

[Docket No. R-472; Order No. 489]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; ETHICAL STANDARDS

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reports of Gas Supply and Requirements

AUGUST 24, 1973.

By notice issued February 12, 1973, and published in the FEDERAL REGISTER on February 22, 1973 (38 FR 4779), in Docket No. R-472 pursuant to section 553 of Title 5 of the U.S. Code and section 16 of the Natural Gas Act (52 Stat. 830 (15 U.S.C. 717o)) the Commission proposes to add a new § 260.12 to Part 260, Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, to require the filing, by natural gas pipeline companies making sales in interstate commerce of natural gas for resale, of reports of supply and requirements on a new schedule prescribed herein and designated as FPC Form No. 16.

Nineteen responses to the notice of proposed rulemaking have been received.[1]

During the summer of 1971 and the spring and summer of 1972, our Staff held a series of informal conferences with representatives of most of the major pipeline companies making sales in interstate commerce of natural gas for resale to review their capability to serve anticipated requirements and to discuss any identifiable problem areas that might affect an individual company's ability to meet requirements. The data on supply and requirements presented by the pipeline companies were required by the Commission and Staff in evaluating supply problems and in anticipating the location and extent of deficiencies during the 1972-73 heating season.

This proceeding was instituted because the likelihood of supply shortages continuing into the future is apparent; therefore, it is necessary that the Commission be periodically informed of the actual and anticipated supply and requirements status of natural gas pipeline companies making sales in interstate commerce of natural gas for resale. Accordingly, in order to have available such data, on a systematic basis, a new gas supply and requirements report, Form No. 16 (Attachment A and Schedules I through IV), to be filed by all natural gas pipeline companies making such sales, is herein prescribed.

The prescribed report will be filed twice each year: April 30 and September 30. The April 30 filing will present actual supply and requirements data on a monthly basis for the past year, April through March, and projected data for one year, April through March. The September 30 filing will present actual data on a monthly basis for the past year, September through August, and projected data for one year, September through August. Thus the new form will make data on supply and requirements available to the Commission prior to and at the end of each heating season.

Several respondents suggest that Schedule IA, peak day data by months, be deleted. These respondents indicate that information pertaining to gas supply is maintained generally on a monthly rather than a daily basis, and that, consequently, this information is generally not available in the form required and that requiring the companies to compile and report such data would be an unwarranted burden.

Peak day data is vital to an understanding of the pipeline companies' supply and requirements status. The data required to be reported in Schedule No. I is for an average day, and requirements on peak day are often much in excess of average day requirements. Thus some of the pipeline companies would show curtailment to customers on peak day but not on an average day. However, we agree with the suggestion of several respondents that adequate information can be obtained from reported supply and requirements on the annual peak day. Accordingly, we shall combine Schedule Nos. I and IA by adding a column titled "Peak Day" to Schedule No. I, and this peak day is defined as the coincidental peak day of maximum requirement.

Several respondents expressed concern that requiring actual data for April through March to be filed on April 15, and actual data for September through August to be filed on September 15, will allow only 15 days to prepare and file the March and August data. A supply and requirements form requiring substantially the same data as that required by the proposed Form No. 16 was mailed to 37 of the jurisdictional pipeline companies on March 20, 1972, to be completed on a voluntary basis. More than half of the companies responding supplied the requested data, including the March figures, on or before April 15. Thirty-two of the 35 companies responding supplied the data by April 25. Accordingly, the filing dates shall be changed to April 30 and September 30, thus allowing the companies 30 days after the end of the last month of the reporting period to compile and file the data.

Several respondents state that much of the information to be reported on Form No. 16 is already being reported to the Commission through other reports. They cite as examples that curtailment of sales are now reported in Form No. 17; storage injections and withdrawals are reported semimonthly for the period December 1 through March 31 and monthly for the period April 1 through March 30 in Form No. 8, peak data are reported in Form No. 2 and sales data are reported in Form No. 11.

In our view the proposed Form No. 16 gives a comprehensive picture of a pipeline company's supply and requirements, i.e., actual data for the year past and projected data for one year. Form No. 17 is a monthly statement of volumes curtailed and is filed only by companies in a curtailment status and only on an actual basis. Hence no data pertaining to future supply and requirements are available from these sources. Form No. 2 provides peak day and 3-day peak totals; however, the detailed breakdown on supply and requirements to be reported in the proposed Form No. 16 is not available to the Commission from this source. Although some of the raw data from which other Commission forms are now prepared by the pipeline companies will be used to prepare the proposed Form No. 16, the data to be reported in Form No. 16 differ, we believe, in form and content from that of the other forms cited by the respondents. Form No. 16 provides a uniform and convenient format to analyze this essential information.

Some respondents suggest that only companies in curtailment should file the proposed form. Others suggest that companies selling less than some stated volume of gas be excluded from reporting, while still others suggest an end-use criterion be used for reporting requirements. One respondent questioned the use of the terms "Firm Demand" and "Interruptible Market" on Schedule I and suggests that the terms "firm" and "interruptible" be defined. Another respondent asks for clarification of the "Full Requirements" and "Partial Requirements" headings on Schedule III, and one respondent requests clarification of the term "Curtailment of Pipeline to Pipeline Sales" appearing on Schedule I. One respondent urges that the proposed Form No. 16 be revised to require five-year supply and requirements projections rather than one-year projections, and another suggests that Form No. 16 contain a glossary of terms and instructions.

A comprehensive picture of the status of supply and requirements for all jurisdictional pipeline companies making sales in interstate commerce of natural gas for resale is needed, since the supply position of a pipeline company may

[1] Independent Natural Gas Association of America; United Gas Pipe Line Company; Natural Gas Pipeline Company of America; Transcontinental Gas Pipe Line Corporation; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company and Trunkline Gas Company; El Paso Natural Gas Company; Montana-Dakota Utilities Co.; Texas Gas Transmission Corporation; Orange and Rockland Utilities, Inc.; Tennessee Gas Pipeline Company, a division of Tenneco, Inc.; Equitable Gas Company; Columbia Gas Transmission Corporation; Union Light, Heat and Power Company and Lawrenceburg Gas Transmission Corporation; Cascade Natural Gas Corporation; Colorado Interstate Gas Company, a division of Colorado Interstate Corporation; Northern Illinois Gas Company; Southern California Edison Company; and General Motors Corporation, and Johns-Manville Corporation.

change markedly over the reporting period designated. However, we will consider a request by any company for waiver of our requirement to file Form No. 16 and will grant such request when good cause has been shown. Requiring filing of requirements by end use goes beyond the subject of the instant proceeding; end use policy is the subject of pending rulemaking proceedings in Docket Nos. R-467 and R-468.

The definition of terms such as "firm" and "interruptible" is the subject of the pending rulemaking proceeding in Docket No. R-474. The terms "Full Requirements" and "Partial Requirements" refer to classes of customers for which the reporting pipeline is the sole supplier or partial supplier, respectively. The term "Curtailment of Pipeline to Pipeline Sales" means curtailment of supply by the reporting pipeline company to customers that are jurisdictional interstate pipeline companies. With respect to the suggestion for a glossary of terms and instructions, few requests for clarification of terms by responding companies were made; and, as stated above, substantially the same form was completed by a representative group of jurisdictional pipeline companies on a voluntary basis.

Because of the present volatile gas supply situation, we do not believe that the data resulting from the suggestion that five-year forecasts be made a reporting requirement would be meaningful.

As suggested by some of the respondents, minor editorial changes have been incorporated in the form.

Section 3.170 of the general rules will be amended to include Form No. 16.

The Commission finds.

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements in 5 U.S.C. 553.

(2) The amendment and schedule hereinafter set forth are necessary and appropriate in carrying out the provisions of the Natural Gas Act.

(3) The amendment adopted herein will provide the Commission periodically with information of the actual and anticipated supply and requirements status of natural gas pipeline companies making sales in interstate commerce of natural gas for resale and should be made effective upon issuance of this order.

The Commisssion, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly section 16 thereof (52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 553, *orders:*

A. Effective upon the issuance of this order, Part 260, Statements and Reports (Schedules), in Subchapter G—Approved Forms, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, is amended by adding a new § 260.12, Report of Gas Supply and Requirements, which reads as follows:

§ 260.12 Form No. 16, Report of gas supply and requirements.

(a) The form of Report of Gas Supply and Requirements, designated herein as FPC Form No. 16, is prescribed.

(b) Each natural gas pipeline company making sales in interstate commerce of natural gas for resale shall prepare and file with the Commission an original and three copies of Report of Gas Supply and Requirements, FPC Form No. 16, on or before April 30 and September 30 of each year.

B. The schedule, FPC Form No. 16, Report of Gas Supply and Requirements, is adopted in the form set forth in Attachment A below.

C. Effective upon the issuance of this order, Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by the addition of Form 16 to the list in § 3.170—Approved Forms, etc., to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

* * * * *

(21) Form No. 16, report of gas supply and requirements (§ 260.12 of this chapter).

(b) The approved forms listed in paragraph (a)(1) to (11), inclusive, and (18) of this section are published in the regulations, copies of which regulations may be obtained from the Secretary or OPI upon written request. Copies of statements and reports listed in paragraph (a)(12) to (21), inclusive, of this section may be obtained from the OPI of the Commission.

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

By the Commission.

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

ATTACHMENT A

GAS SUPPLY AND REQUIREMENTS INSTRUCTIONS FOR REPORTING

1. On or before April 30, and September 30 of each year report as provided in the attached form the volumes of gas as set forth in Schedules I through IV.[1] Report in the April 30 filing actual volumes for the past year, April through March and projected data for one year April through March. Report in the September 30 filing actual volumes for the past year, September through August and projected data for one year September through August. Report the coincidental peak day of maximum requirements for the reporting period. Projections shall be based on weather conditions normally anticipated. State such weather conditions including the design temperature.

2. An original and three copies of the report shall be filed with the Commission. Address the report to the Secretary, Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

[FR Doc.73-18512 Filed 8-30-73;8:45 am]

[1] Filed as part of the original document.

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION: EQUAL OPPORTUNITY: POLICIES AND PROCEDURES

Subpart E—Equal Employment Opportunity Guidelines

On March 9, 1973, the Law Enforcement Assistance Administration of the Department of Justice (LEAA), promulgated equal employment opportunity guidelines (28 CFR 42.301, et seq., Subpart E). The second paragraph of those guidelines reads as follows:

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

In accordance with the preceding paragraph, written comments, suggestions, data or arguments, have been received by the Administrator of the Law Enforcement Assistance Administration. Material submitted has been evaluated and changes deemed by LEAA to be appropriate have been incorporated into revised equal employment opportunity guidelines, the text of which follows.

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

Subpart E—Equal Employment Opportunity Guidelines

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

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

Subpart E—Equal Employment Opportunity Guidelines

§ 42.301 Purpose.

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

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

§ 42.302 Application.

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

(b) The obligation of a recipient to formulate, implement, and maintain an equal employment opportunity program, in accordance with this Subpart, extends to state and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

(c) Assignments of compliance responsibility for Title VI of the Civil Rights Act of 1964 have been made by the Department of Justice to the Department of Health, Education, and Welfare, covering educational institutions and general hospital or medical facilities. Similarly, the Department of Labor, in pursuance of its authority under Executive Orders 11246 and 11375, has assigned responsibility for monitoring equal employment opportunity under government contracts with medical and educational institutions, and non-profit organizations, to the Department of Health, Education, and Welfare. Accordingly, monitoring responsibility in compliance matters in agencies of the kind mentioned in this paragraph rests with the Department of Health, Education, and Welfare, and agencies of this kind are exempt from the provisions of this subpart, and are not responsible for the development of equal employment opportunity programs in accordance herewith.

(d) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 percent or more, is required to formulate, implement and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women within 120 days after either the promulgation of these amended guidelines, or the initial application for assistance is approved, whichever is sooner. Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more, and has a service population with a minority representation of less than 3 percent, such recipient is required to formulate, implement, and maintain an equal employment opportunity program relating to employment practices affecting women. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(b).

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

(f) For the purpose of these guidelines, the relevant "service population" shall be determined as follows:

(1) For adult and juvenile correctional institutions, facilities and programs (including probation and parole programs), the "service population" shall be the inmate or client population served by the institution, facility, or program during the preceding fiscal year.

(2) For all other recipient agencies (e.g., police and courts), the "service population" shall be the State population for state agencies, the county population for county agencies, and the municipal population for municipal agencies.

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

§ 42.303 Evaluation of employment opportunities.

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

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

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. However, all racial and ethnic data collected to perform an evaluation pursuant to the requirements of this section should be cross classified by sex to ascertain the extent to which minority women or minority men may be underutilized. The evaluation should include but not necessarily be limited to, the following factors:

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

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

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

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

§ 42.304 Written Equal Employment Opportunity Program.

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

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

(b) The number of disciplinary actions taken against employees by race, sex,

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

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

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

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

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

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

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

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contacts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.24(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities suggested in Revised Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 41 CFR 60-2.22.

§ 42.305 Record keeping and certification.

The Equal Employment Opportunity Program and all records used in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant state planning agency or the LEAA. Prior to the authorization to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, the recipient shall file a certificate with the cognizant state planning agency or LEAA regional office stating that the equal employment opportunity program is on file with the recipient. The form of the certification shall be as follows:

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

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

§ 42.306 Guidelines.

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

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

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

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these Guidelines for the maintenance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended to a recipient or for the period during which a comprehensive law enforcement plan filed pursuant to the Safe Streets Act is in effect within the State, whichever is longer, unless the

assurances of compliance, filed by a recipient in accordance with § 42.204(a)(2), specify a different period.

§ 42.308 Noncompliance.

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

Effective date.—This Guideline shall become effective on August 31, 1973.

Dated August 24, 1973.

DONALD E. SANTARELLI,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.73-18555 Filed 8-30-73;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a) (1), (2) and (3), 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations to increase the maximum allowable interest rates on new loans.

Sections 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations are being amended to increase the maximum interest rate on new guaranteed, insured and direct loans from 7¾ to 8½ percent. Section 36.4212(a) (2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 7¾ to 8½ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes. Section 36.4212(a)(1), which relates to the financing of the mobile home unit and that portion of § 36.4212(a)(3) relating to a loan that does not exceed $2,500 made for the purpose of site preparation to a lot owned by the veteran, are being increased from 10¾ to 12 percent.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the amendments, which would necessarily be more than 30 days after it was published in proposed form.

1. In § 36.4212, paragraph (a) is amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima:

(1) 12 percent simple interest per annum for that portion of the loan which finances the purchase of a mobile home unit.

(2) 8½ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8½ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 effective August 25, 1973, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8½ per centum per annum on the unpaid principal balance.

* * * * *

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8½ percent per annum, except where a commitment to make the loan at a lower rate was issued prior to August 25, 1973, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

These VA Regulations are effective August 25, 1973.

Approved: August 24, 1973.

By direction of the Administrator:

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-18591 Filed 8-30-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2347]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Wild Free-Roaming Horse and Burro Management

Correction

In FR Doc. 73-17067 appearing at page 22003 of the issue for Wednesday, August 15, 1973, in the penultimate line of § 4115.2-1(d), the number "4712.12-3" should read "4712.1-3".

Title 47—Telecommunication

[Docket No. 19648; FCC 73-880]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

Licensing of Non-Type Accepted Transmitters to U.S. Government Contractors

Report and order. In the matter of amendments of Parts 81, 83, and 87 of the Commission's rules, to permit the licensing of non-type accepted transmitters to U.S. Government contractors, Docket No. 19648.

1. On December 5, 1972, we released a notice of proposed rule making in this Docket. The notice was published in the FEDERAL REGISTER on December 8, 1972 (37 FR 26136). The notice made provisions for the filing of comments and reply comments by specified times that have now passed.

2. The Notice of Proposed Rule Making was issued to permit the licensing of non-type accepted transmitters whenever such transmitters are furnished by a government agency to a contractor, or subcontractor, in the performance of a government contract. It was felt that the proposed rule amendments would result in considerable time and cost savings to both the government agencies and U.S. contractors.

3. Comments were filed by the Government Products Division of the Electronic Industries Association (EIA); Aerospace and Flight Test Radio Coordinating Council (AFTRCC); and Mackay Marine.

4. EIA and AFTRCC fully endorsed the Commission's proposal and urged its adoption.

5. Mackay Marine opposes the proposed rule amendments on the grounds that the non-type accepted transmitters licensable to U.S. contractors under the proposal would have to comply with all of the technical requirements of the rules. Mackay Marine stated that the proposed rule making is unnecessary if the subject transmitters must meet the technical requirements of the rules because this class of transmitter could be type-accepted upon proper application with the Commission and that the cost and time saving would be negligible.

6. In order to minimize harmful interference to other authorized users, the Commission's proposal intended to relieve the government contractor from the formal application to the Commission for acceptance of the transmitter for licensing, and did not intend to permit the use of transmitters which did not comply with all the technical requirements of the rules. To permit the use of transmitters which do not comply with the technical requirements of the rules, could cause harmful interference to other licensees and adversely affect various other radio services. The Commission does not agree with Mackay's contention that the cost and time saving of the proposal would be negligible. The preparation and amount of data which must be filed for formal application to the Commission for acceptance of a transmitter for licensing is costly and time consuming to both the applicant and the Commission's staff.

7. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 4(i), 303(r), and 318 to the Communications Act of 1934, as amended, Parts 81, 83 and 87 of the Commission's rules are amended, effective October 4, 1973, as set forth below.

8. *It is further ordered*, That the proceeding in this Docket is terminated.

(Secs. 4, 303, 318, 48 Stat., as amended, 1066, 1082, 1089 (47 U.S.C. 154, 303, 318))

Adopted August 22, 1973.

Released August 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. Section 81.137(a) is amended and paragraph (e) added to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

(a) Each radiotelephone transmitter authorized in a coast station, marine-utility, marine-fixed station, or Alaska-public fixed license (other than transmitters authorized solely for developmental stations and except as provided in paragraph (e) of the section) must be type accepted by the Commission. This requirement shall be applicable as follows:

* * * * *

(e) Type acceptance is not required for U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however*, That such equipment shall comply with all the technical requirements contained in this subpart.

[1] Commissioners Johnson, Reid, and Hooks absent.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

2. Section 83.139(a) is amended and paragraph (f) added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraphs (c), (d), and (f) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(f) Type acceptance is not required for U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however*, That such equipment shall comply with all the technical requirements contained in this subpart.

PART 87—AVIATION SERVICES

3. Section 87.77 is amended by adding subparagraph (8) to paragraph (d):

§ 87.77 Acceptability of transmitters for licensing.

* * * * *

(d) * * *

(8) Type acceptance is not required for U.S. Government furnished transmitters in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product: *Provided, however*, That such equipment shall comply with all the technical specifications contained in this subpart.

[FR Doc.73-18556 Filed 8-30-73;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-12; Notice No. 73-21]

PART 392—DRIVING OF MOTOR VEHICLES

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Safe Loading of Commercial Motor Vehicles; Revision

The Director of the Bureau of Motor Carrier Safety is issuing revised rules pertaining to loading of cargo on commercial motor vehicles operated in interstate or foreign commerce and to equipment which prevents cargo on those vehicles from shifting or falling while in transit. The new rules are effective on October 1, 1973. They replace the safe loading rules now found in § 393.85 of the Motor Carrier Safety Regulations (49 CFR 393.85).

As the Director said in his June 13, 1973, notice of proposed rulemaking (38 FR 16080), the primary objectives of the revision are twofold. First, by recasting some of the material now found in § 393.85, dividing that material among four new sections of the regulations, and placing the safe loading rules in a separate Subpart I, the Bureau is seeking to make the rules as clear and easy to understand as is possible in a field as technical and inherently complex as this. Secondly, the Bureau is attempting to resolve problems which carriers of certain metals had in applying the regulations to specific situations without, at the same time, compromising safety on the highways.

The notice invited interested persons to comment on the text of the proposed revision. The Bureau has analyzed the comments received in response to that invitation, as well as other available data. As a result, the rules now being issued vary from those proposed in two principle respects.

First, § 393.100, which contains the general rules for protection against shifting or falling cargo, is being amended to make it clear that motor carriers must comply with the rules on specific elements of safe loading, contained in other sections of Subpart I, in addition to the general provisions in that section. For example, a motor carrier who transports cargo in a closed van in compliance with Option A of § 393.100 (b)(1) must, in addition, have the cargo securely blocked and braced in accordance with the rules on blocking and bracing in § 393.104. Similarly, vehicles transporting metal articles in compliance with Option C (§ 393.100(b)(3)) must be equipped with front-end structures that conform to the rules in § 393.106. This was clearly the purport of the revised rules as originally proposed, but the comments have indicated that some interested persons have not understood it.

Second, the Director is amending the version of § 393.100(e) that appeared in the notice to permit intermodal cargo containers to move not more than one inch in a vertical direction when they are fastened to the vehicle chassis with special-purpose devices. As it appeared in the notice, this rule would have forbidden vertical movement in excess of one-half inch. Several respondents requested an even larger tolerance, stressing that the trailer chassis to which a container is secured will flex, but the container will not, when the tractor used to tow the trailer is unhitched and the trailer is left to rest on its "landing gear." The Director has concluded, however, that a larger tolerance would present an unreasonable risk to highway safety. Trailers carrying containerized shipments are often transported in "trailer-on-flat-car" rail operations, during which they experience acceleration stresses far greater than those encountered on the highway. By allowing the additional tolerance requested in the comments, the Bureau would be sanctioning a situation in which securement "pins" used to hold containers to

the vehicle would be subjected to excessive fatigue. This, in turn, would create a safety hazard when the same securement pins are used during highway transportation. The operational problem cited in the comments—flexing of the trailer at the time of hook-up—can be overcome by changes in operational practice, e.g., inserting the securement pins after, rather than before, the tractor is hitched to the trailer.

Phillips Petroleum Company's comment asked the Director to change § 393.106, relating to front-end structures, so that equivalent devices (presumably tie-down assemblies), could be used in lieu of the required front-end structure, just as Option D in § 393.100 (b)(4) permits the use of similar and equivalent means to those specified in Options A, B, and C. The purport of § 393.106, however, is to require that a physical barrier be located between the cargo and the driver, and to require the barrier to have sufficient strength to prevent injury to the driver if the cargo shifts forward. The provisions of § 393.106(f), which permit the use of devices equivalent to, and performing the same function as, front-end structures do not in any way alter the requirement for a protective device located between the cargo and the driver. Hence, the Director has not changed § 393.106.

Truck Trailer Manufacturers Association (TTMA) suggested that the special provisions for intermodal containers in § 393.100(e) should be eliminated because the safe loading of those containers could adequately be accomplished under the general provisions of § 393.100(d). The Bureau has concluded, however, that the loading and securement of intermodal containers present special problems which should be dealt with in specific rules applicable to those containers. TTMA has also asked for a change in the rules applicable to penetration resistance of front-end structures (§ 393.104(e)) so that the front-end structures would, at a minimum, have to be capable of withstanding penetration only from cargo items in direct contact with the structures in the event of vehicle deceleration at a 20 ft./sec./sec. rate. Such a change would appear to be beyond the scope of the notice. It would, moreover, open a vast loophole for violation of the rule's purport: a shipper or carrier could, merely by loading a vehicle so that no cargo contacts the front-end structure, effectively dispense with any minimum strength requirements for that structure.

TTMA has requested certain changes in the maximum allowable tolerances for movement of intermodal cargo containers secured to motor vehicles. Its comments relating to vertical movement have been dealt with above. TTMA has also called the Bureau's attention to a possible ambiguity in the proposal with respect to horizontal movement. As proposed, the rule would have forbidden horizontal movement in excess of one-half inch when the container is subject to certain relative accelerations. In response to informal inquiries, the Bureau has interpreted this tolerance to allow movement not in excess of one-half inch forward, one-half inch aft, one-half inch to the right, and one-half inch to the left. TTMA suggests that the intention to permit a tolerance of one-half inch both forward and aft, for example, be fully spelled out in the final rule. The Bureau agrees, and an appropriate change has been made.

TTMA's comments also requested a reduction in the minimum strength of front-end structures (§ 393.106(d)). It is however, too late in the day for consideration to be given to changes in the safe loading rules other than those which fall within the scope of the notice of proposed rulemaking. The question of minimum strength of front-end structures has previously been fully studied and resolved, and the purpose of the notice was to invite comment on issues related to the problems of carriers of metals and problems of organization, format, and wording of the rules. In addition, the Director notes that there is no justification for a strength reduction of the magnitude that TTMA has sought, one which would require front-end structures to withstand a horizontal forward static load equal to only 30 percent of the weight of the cargo, rather than 50 percent of the cargo weight. Hence, the request has been denied. TTMA's request for exemption of converter dollies from the front-end structure requirements has also been denied. The Bureau quite agrees with TTMA that a converter dolly is a "motor vehicle" under various Federal safety regulations and standards. Conceding that to be the case does not, however, dispose of the issue. A converter dolly, by itself, is not a cargo-carrying motor vehicle. The requirements for front-end structures meeting certain specifications, as contained in § 393.106 apply only to a "cargo-carrying motor vehicle." See paragraph (a) of § 393.106. Hence, no change is necessary.

The Professional Drivers Safety and Health Organization (PROD) filed comments seeking several major substantive changes in the rules, changes which also go beyond the scope of the notice of proposed rulemaking in several respects. PROD objects to permitting heavy metal articles to be carried in a closed van, saying that "[t]he walls of such vehicles are totally inadequate to prevent heavy metal objects from penetrating them." Other provisions of the rules do, however, require that cargo, including metals, must be adequately blocked and braced and must also be secured by tiedown assemblies, if that is necessary. Assuming that shippers and carriers comply with these latter provisions, it should make little difference, from the standpoint of safety, whether the vehicle used to transport metal cargoes is a flat-bed trailer or a closed van. PROD also argues that coils having diameters of less than two-thirds of their widths should not be loaded with eyes vertical, and the rules should prohibit any shipper or carrier from doing so. It is, in the final analysis, impractical to include in the regulations a specification for each item that may be transported on a motor vehicle; to a large extent, the good judgment and self-interest of shippers and carriers must be relied upon to anticipate obvious pitfalls and to select and use suitable methods of orienting cargo on vehicles in order to secure it in the prescribed manner. PROD further argues that metal articles should not be loaded on trailers having steel floors, because those articles will tend to slide. Of course, an article that is not securely braced and tied down will slide, regardless of the composition of the floor of the vehicle on which it is loaded. The intent of the regulations, carried out in §§ 393.102 and 393.104, is to require the use of tiedown assemblies, blocking and bracing, and other techniques to ensure that cargo will not slide.

PROD has made a number of specific suggestions relating to the transportation of coils of metal. It urges that more blocking should be required for coils mounted with eyes crosswise because the coils can roll in the direction of maximum acceleration and deceleration forces. The comment does not, however, include data or engineering calculations to indicate that the present requirements are inadequate. Careful analysis by the Bureau and its best engineering judgment have indicated that the present requirements provide an adequate measure of safety for coils loaded with eyes crosswise. PROD has also suggested that a specified method of chaining down coils with eyes lengthwise be required. The difficulty with this suggestion is that the techniques it would mandate are not necessarily universally optimum ones; there are cases in which more secure methods of tying down coils with eyes crosswise could be used. It is, the Bureau has concluded, a better practice to specify minimum requirements and to permit carriers and shippers to innovate better methods of securing cargo within the ambit of general criteria, rather than to freeze all persons concerned with securing cargo into an identical mold.

The Steel Carriers Conference filed comments in which it, in essence, restated its earlier position in favor of (a) requiring all shipments of flat-rolled coiled steel to be secured as specified in its original petition for rule making (substantially identical to the manner specified in Option C of § 393.100(b)); and (b) giving special treatment to coils of bar, wire, and rod steel. Upon review of the material submitted, the Bureau has concluded that it would not be in the interests of safety to amend the rules as the Conference has requested. From the standpoint of safe operations, there is no valid distinction between coils of flat-rolled material and coils consisting of bar, wire, or rod stock. The operational problems to which the Conference has alluded can be adequately resolved either by use of one of the other options or by using Option C. There are, moreover, instances in which alternative methods of

securing coils of metal are at least as safe as those required by Option C. The Bureau cannot, therefore, mandate the use of the Option C techniques in all cases, even though the conference may be unanimous in its desire to see that single set of techniques compelled by Federal law without permitting any alternatives. Furthermore, the fact that, in the steel-hauling industry, vehicles are commonly loaded by shippers for subsequent pick-up and transportation by motor carriers, tends to support the conclusion that the rules for loading and securing metals should leave ample room for development of innovative, and safer, techniques.

As a final matter, the Steel Carriers Conference has pointed to a discrepancy between § 393.100(b)(2), which requires at least one tiedown device per 10 linear feet of lading, and § 393.100(c)(4)(i), which requires loads consisting of miscellaneous metal articles to have at least one tiedown assembly for each eight feet of length with a minimum of two assemblies. The Bureau intends to give these matters further study and to resolve the discrepancies by additional rule making.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety amends the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, Code of Federal Regulations) as set forth below.

Except as specifically provided in the text of a particular provision, these amendments are effective on October 1, 1973.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at §§ 1.48 and 389.4, respectively, of Title 49.

Issued on August 24, 1973.

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

I. Section 392.9(a)(1) in Part 392 is amended to read as follows:

§ 392.9 Safe loading.

(a) *General.* No person shall drive a motor vehicle and a motor carrier shall not require or permit a person to drive a motor vehicle unless—

(1) The vehicle's cargo is properly distributed and adequately secured as specified in §§ 393.100—393.106 of this subchapter.

* * * * *

§ 393.85 [Revoked].

II. Section 393.85 in Part 393 is revoked.

III. A new Subpart I is added at the end of Part 393, reading as follows:

Subpart I—Protection Against Shifting or Falling Cargo

Sec.
393.100 General rules for protection against shifting or falling cargo.
393.102 Securement systems.
939.104 Blocking and bracing.
393.106 Front-end structure.

AUTHORITY.—Sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), and delegations of authority at 49 CFR 1.48 and 389.4.

Subpart I—Protection Against Shifting or Falling Cargo

§ 393.100 General rules for protection against shifting or falling cargo.

(a) *Application and scope of the rules in this section.*—This section applies to trucks, truck tractors, semitrailers, full trailers, and pole trailers. Each of those motor vehicles must, when transporting cargo, be loaded and equipped to prevent the shifting or falling of the cargo in the manner prescribed by the rules in paragraph (b) of this section. In addition, each cargo-carrying motor vehicle must conform to the applicable rules in §§ 393.102, 393.104, and 393.106.

(b) *Basic protection components.*—Each cargo-carrying motor vehicle must be equipped with devices providing protection against shifting or falling cargo that meet the requirements of either subparagraph (1), (2), (3), or (4) of this paragraph.

(1) *Option A.*—The vehicle must have sides, side-boards, or stakes, and a rear endgate, endboard, or stakes. Those devices must be strong enough and high enough to assure that cargo will not shift upon, or fall from the vehicle. Those devices must have no aperture large enough to permit cargo in contact with one or more of the devices to pass through it.

(2) *Option B.*—The vehicle must have at least one tiedown assembly that meets the requirements of § 393.102 for each 10 linear feet of lading or fraction thereof. (However, a pole trailer or an expandable trailer transporting metal articles under the special rules in paragraph (c) of this section is required only to have two or more of those tiedown assemblies at each end of the trailer.) In addition, the vehicle must have as many additional tiedown assemblies meeting the requirements of § 393.102 as are necessary to secure all cargo being transported either by direct contact between the cargo and the tiedown assemblies or by dunnage which is in contact with the cargo and is secured by tiedown assemblies.[1]

(3) *Option C (for vehicles transporting metal articles only).*—A vehicle transporting cargo which consists of metal articles must conform to either the rules in subparagraph (1), (2), or (4) of this paragraph, or the special rules for transportation of metal articles set forth in paragraph (c) of this section.

(4) *Option D.*—The vehicle must have other means of protecting against shifting or falling cargo which are similar to, and at least as effective as, those specified in subparagraph (1), (2), or (3) of this paragraph.

(c) *Special rules for metal articles.* (1) *Scope of the rules in this paragraph.*—The rules in this paragraph apply to a motor vehicle transporting cargo consisting of metal articles if that vehicle does not conform to the rules in subparagraph (1), (2), or (4) of paragraph (b) of this section.

(2) *Application of other sections.*—A motor vehicle transporting property consisting of metal articles must, regardless of whether the rules in this paragraph apply to it, conform to the rules in § 393.102 (relating to securement systems), § 393.104 (relating to blocking and bracing of cargo), and § 393.106 (relating to front-end structure requirements).

(3) *Coils.*—Whenever a motor carrier transports one or more coils of metal which, individually or as a combination banded together, weigh 5,000 pounds or more, the coils shall be secured in the following manner:

(i) Coils with eyes vertical: one or more coils which are grouped and loaded side by side in a transverse or longitudinal row must be secured by—

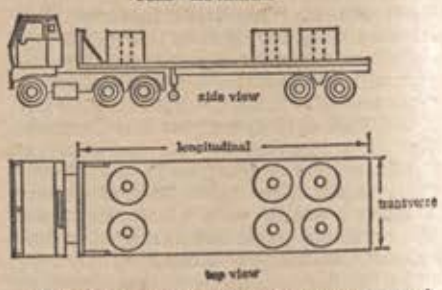
(*a*) A tiedown assembly against the front of the coil or row of coils, restraining against forward motion;

(*b*) A tiedown assembly against the rear of the coil or row of coils, restraining against rearward motion; and

(*c*) A tiedown assembly over the top of each coil or transverse row of coils, restraining against vertical motion.

The same tiedown assembly shall not be used to comply with more than one of the requirements of (*a*), (*b*), or (*c*) of this subdivision.

COILS - EYE VERTICAL



(ii) Coils with eyes crosswise: Each coil or transverse row of coils loaded side by side and having approximately the same outside diameters must be secured by—

(*a*) A tiedown assembly through the eye of each coil, restricting against forward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle;

(*b*) A tiedown assembly through the eye of each coil, restricting against rearward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle; and

(*c*) Timbers, having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the coil or row of coils and restrained to prevent movement of the coil or coils in the forward and rearward directions.

(*d*) If coils are loaded to contact each other in the longitudinal direction and

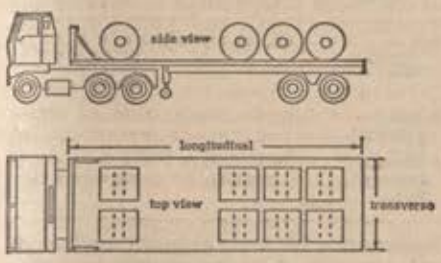
[1] Tiedown assemblies or dunnage in contact with sufficient exterior (including topmost) pieces of the cargo and securely holding each interior or lower piece comply with this requirement.

relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers—

(1) Only the foremost and rearmost coils must be secured with timbers; and

(2) A single tiedown assembly, restricting against forward motion, may be used to secure any coil except the rearmost one, which must be restrained against rearward motion.

COILS - EYE CROSSWISE



(iii) Coils with eyes lengthwise: A coil or transverse row of coils having approximately equal outside diameters and loaded side by side or a longitudinal row of coils having approximately equal outside diameters and loaded end to end must be secured as follows:

(a) The coil or coils must be restrained against side-by-side and fore-and-aft movement by—

(1) One or more tiedown assemblies over the top of each coil or transverse row; or

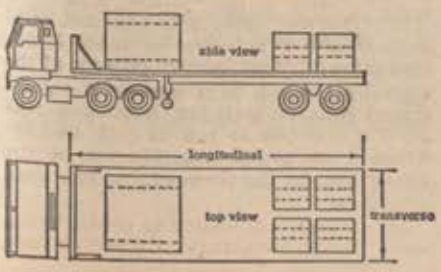
(2) Two or more tiedown assemblies through the eye of each coil or longitudinal row; or

(3) One or more tiedown assemblies, crossing from one side of the vehicle to the other, through the eye of each coil or longitudinal row of coils in a transverse row.

(b) Timbers having nominal cross section of 4 x 4 inches or more must be tightly placed against the sides of each coil or against the outboard sides of each transverse row of coils which are loaded side by side so that the timbers restrain against side-to-side movement.

(c) If, in accordance with (a)(1) of this subdivision, only one tiedown assembly over the top of each coil or transverse row of coils is used to restrain against side-to-side movement and fore-and-aft movement, timbers having a nominal cross section of 2 x 4 inches or more and which are firmly secured to longitudinal blocking must be tightly placed against the front and back of each coil, each longitudinal row of coils, and each transverse row of coils in a manner which restricts forward and rearward movement.

COILS - EYE LENGTHWISE



(iv) Timber which is used for blocking must be sound lumber which is free of defects (such as knots or cracks) that materially reduce its strength.

(v) Timbers need not be used on vehicles which have depressions in the floor or are equipped with other restraining devices which perform the functions specified for timbers by the rules in this section.

(vi) As used in this section, the term "nominal", when used to describe timber, means commercially dressed sizes generally designated by the dimensions indicated.

(4) *Miscellaneous metal articles.*—Except as provided in subdivision (iv) of this subparagraph, whenever a motor carrier transports metal articles consisting of cut-to-length bars, plates, rods, sheet and tin mill products, billets, blooms, ingots, slabs, structural shapes, or pipe, and other tubular products and those articles, either individually or as a combination of articles banded or boxed together and handled as a single unit, weigh more than 2,000 pounds, the article shall be secured in the following manner:

(i) A single article, a group of articles, or a combination of articles loaded side by side across the width of the vehicle must be secured by at least one tiedown assembly over its top for at least every 8 feet of its length and at least two tiedown assemblies securing each individual article or combination of articles banded or otherwise secured together and handled as a single unit. However, articles which individually have a length of 8 feet or less and which are securely butted against each other in the fore-and-after direction may be secured by metal angles secured by tiedown assemblies, or they may be secured by a timber having a nominal cross section of 4 x 4 inches or more placed longitudinally over the articles and secured by tiedown assemblies. Tiedown assemblies may not be located beyond the ends of the article which they secure.

(ii) If articles are tiered and each tiered article rests securely on the one beneath it, the tier may be secured in the same manner as a single level of those articles is secured in accordance with the rules in this section.

(iii) Pole trailers must either comply with the requirements of subdivisions (i) and (ii) of this subparagraph or have at least two tiedown assemblies securing the load to the forward bolster and at least two tiedown assemblies securing the load to the rear bolster.

(iv) The rules in this subparagraph do not apply to special loads consisting of machinery or fabricated structural items, such as beams, girders, and trusses, which are fastened by special methods. However, those loads must be securely and adequately fastened to the vehicle.

(d) *Special rule for special-purpose vehicles.*—The rules in this section do not apply to a vehicle transporting one or more articles which, because of their size, shape, or weight, must be carried on special-purpose vehicles or must be fastened by special methods. However, any article carried on that vehicle must be securely and adequately fastened to the vehicle.

(e) *Special rule for intermodal cargo containers.*—Containers designed for the transportation of containerized, intermodal cargo and having integral securement devices must be fastened to the chassis of the motor vehicle with securement devices that prevent them from being unintentionally unfastened. The securement devices must restrain the container from moving more than one-half inch forward, more than one-half inch aft, more than one-half inch to the right, more than one-half inch to the left, or more than one inch vertically when the container is subjected to the following accelerations relative to the vehicle:

Direction of force relative to longitudinal axis of vehicle:	*Acceleration in G's*
Downward	1.70
Upward	0.50
Lateral	0.30
Longitudinal	1.80

(f) *Effective date.*—This section is effective on October 1, 1973.

§ 393.102 Securement systems.

(a) *Application and scope of the rules in this section.*—The rules in this section apply to tiedown assemblies (including chains, cables, steel straps, and fiber webbing), other securement devices, and attachment or fastening devices used in conjunction therewith, which are used to secure cargo to motor vehicles in transit. All devices which are used to secure cargo to a motor vehicle in transit under the rules in this Subpart must conform to the requirements of this section.

(b) *Tiedown assemblies.*—Except for integral securement devices of containers designed for the transportation of containerized, intermodal cargo which conform to the rules in § 393.100 (e), the aggregate static breaking strength of the tiedown assemblies used to secure an article against movement in any direction must be at least 1½ times the weight of that article. Chain used as a component of a tiedown assembly must conform to the requirements of the August 1961 edition of the National Association of Chain Manufacturers' Welded Chain Specifications [2] applicable to all types of chain. Steel strapping used as a component of a tiedown assembly must conform to the requirements of Federal Specification No. QQ-S-781 (1969).[3] Steel strapping that is one inch wide or wider must have at least two pairs of crimps in each seal and, when end-over-end lap joints are formed, must be sealed with at least two seals.

(c) *Load binders and hardware.*—The strength of load binders and hardware that are part of, or used in conjunction with, a tiedown assembly must be equal to, or greater than the minimum

[2] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 111 West Washington Street, Chicago, Illinois 60602.

[3] Copies of these specifications may be secured from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

strength specified for that tiedown assembly in paragraph (b) of this section.

(d) *Attachment to the vehicle.*—The hook, bolt, weld, or other connector by which a tiedown assembly is attached to a vehicle, and the mounting place and means of mounting the connector, must be at least as strong as the tiedown assembly when that connector is loaded in any direction in which the tiedown assembly may load it.

(e) *Winches or other fastenings.*—The anchorages of a winch or other fastening device mounted on a vehicle and used in conjunction with a tiedown assembly must have a combined tensile strength equal to, or greater than, the strength of the tiedown assembly.

(f) *Adjustability.*—A tiedown assembly and its associated connectors and attachment devices must be designed, constructed, and maintained so that the driver of an in-transit vehicle can tighten them. However, the rules in this paragraph do not apply to a securement system in which the tiedown assembly consists of steel strapping or to a tiedown assembly which is not required by the rules in this section.

(g) *Effective date.*—This section is effective on October 1, 1973.

§ 393.104 Blocking and bracing.

(a) *Protection against longitudinal movement.*—When a motor vehicle carries cargo that is not firmly braced against a front-end structure that conforms to the requirements of § 393.106, the cargo must be secured so that, when the vehicle decelerates at a rate of 20 feet per second, the cargo will remain on the vehicle and will not penetrate the vehicle's front-end structure.

(b) *Protection against lateral movement.*—When a vehicle carries cargo that may shift sideways in transit, the cargo must either be securely blocked or braced against the sides, sideboards, or stakes of the vehicle or be secured by devices that conform to the requirements of paragraph (b)(2), (b)(3), or (b)(4) of § 393.100.

(c) *Effective date.*—This section is effective on October 1, 1973.

§ 393.106 Front-end structure.

(a) *General rule.*—(1) Except as provided in paragraph (g) of this section, every cargo-carrying motor vehicle must be equipped with a headerboard or similar device of sufficient strength to prevent load shifting and penetration or crushing of the driver's compartment.

(2) On and after the effective dates specified in paragraph (h) of this section, every cargo-carrying motor vehicle must have a front-end structure that conforms to the rules in this section.

(b) *Location.*—The front-end structure must be located between the vehicle's cargo and the vehicle's driver.

(c) *Height and width.*—The front-end structure must extend either to a height of 4 feet above the floor of the vehicle or to a height at which it blocks forward movement of any item of cargo being carried on the vehicle, whichever is lower. The front-end structure must have a width which is at least equal to the width of the vehicle or which blocks forward movement of any item of cargo being transported on the vehicle, whichever is narrower.

(d) *Strength.*—The front-end structure must be capable of withstanding the horizontal forward static load specified in either subparagraph (1) or (2) of this paragraph.

(1) For a front-end structure less than 6 feet in height, a horizontal forward static load equal to one half (½) of the weight of the cargo being transported on the vehicle uniformly distributed over the entire portion of the front-end structure that is within 4 feet above the vehicle's floor or that is at or below a height above the vehicle's floor at which it blocks forward movement of any item of the vehicle's cargo, whichever is less.

(2) For a front-end structure 6 feet in height or higher, a horizontal forward static load equal to four-tenths (0.4) of the weight of the cargo being transported on the vehicle uniformly distributed over the entire front-end structure.

(e) *Penetration resistance.* — The front-end structure must be designed, constructed, and maintained so that it is capable of resisting penetration by any item of cargo that contacts it when the vehicle decelerates at a rate of 20 feet per second per second. The front-end structure must have no aperture large enough to permit any item of cargo in contact with the structure to pass through it.

(f) *Substitute devices.*—The requirements of this section may be met by the use of devices performing the same functions as a front-end structure, if the devices are at least as strong as, and provide protection against shifting cargo at least equal to, a front-end structure which conforms to those requirements.

(g) *Exemptions.*—The following motor vehicles are exempt from the rules in this section:

(1) A vehicle which is designed and used exclusively to transport other vehicles, if each vehicle it transports is securely tied down by devices that conform to the requirements of § 393.102.

(2) A pole trailer or semitrailer being towed by a truck tractor that is equipped with a front-end structure that conforms to the rules in this section.

(3) A full trailer being towed by a vehicle that is equipped with a front-end structure that conforms to the requirements of this section for a front-end structure.

(4) A full trailer being towed by a vehicle that is loaded in such a manner that the cargo on the towing vehicle conforms to the requirements of this section for a front-end structure.

(5) The rules in paragraphs (d) and (e) of this section do not apply to a motor vehicle manufactured before January 1, 1974.

(h) *Effective dates.*—Cargo-carrying motor vehicles which are not exempted by paragraph (g) of this section must conform to the rules in this section as follows:

If the vehicle was manufactured—	It must conform to the rules in paragraph—	On and after—
Before January 1, 1974.	(a), (b), and (f).	October 1, 1973 or the date it was manufactured, whichever is later.
Before January 1, 1974.	(c)	January 1, 1975.
On or after January 1, 1974.	(a) through (f) inclusive.	The date it was manufactured.

Paragraphs (d) and (e) of this section do not apply to a motor vehicle that was manufactured before January 1, 1974.

[FR Doc.73-18439 Filed 8-30-73;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755 (16 U.S.C. 703) et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of May 17, 1973 (38 FR 12926), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1973–74 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, on or before June 17, 1973. After analyses of the migratory game bird survey data obtained through investigations conducted

by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the Director informed the State game departments of the outside dates, season lengths, shooting hours, and daily bag and possession limits for the 1973–74 seasons on waterfowl, coots, cranes, snipe, and gallinules. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

The taking of the designated species of migratory birds is presently prohibited except for those species for which seasons were established in the FEDERAL REGISTER of August 1, 1973, 38 FR 20456, and Federal Regulatory Announcement 91. The amendments will permit taking of the designated species within specified periods of time beginning as early as September 29, 1973, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective on September 29, 1973.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973, in 38 FR 10208, notice was given that Part 10—Migratory Birds would be redesignated Part 20—Migratory Bird Hunting. In the FEDERAL REGISTER of July 5, 1973, in 38 FR 17841, Subchapter B of 50 CFR, Chapter I, was retitled Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife, and Part 10 was redesignated Part 20 and added to 50 CFR Ch. I.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Subpart K of Part 20 be amended as follows:

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

(b) The season dates, bag limits, and shooting hours published in this paragraph in the FEDERAL REGISTER of August 1, 1973 (38 FR 20459), have been expanded to include season dates for previously deferred seasons and to include snipe season dates for the Pacific Flyway.

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limits	25 [1]	See footnote 2	5	8.
Possession limits	25 [1]	See footnote 2	10	16.

Shooting hours: ½ hour before sunrise until sunset daily on all species.

Check State regulations for additional restrictions and delineations of geographical areas within States

SEASONS IN THE ATLANTIC FLYWAY				
Connecticut	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 20–Dec. 22	Oct. 20–Dec. 22.
Delaware	do	do	Oct. 17–Nov. 7, Nov. 19–Dec. 31.	Oct. 17–Nov. 7, Nov. 19–Dec. 31.
Florida	do	do	Nov. 10–Jan. 13	Nov. 10–Feb. 24.
Georgia	Sept. 10–Nov. 18	Sept. 10–Nov. 18	Nov. 20–Jan. 23	Dec. 21–Feb. 23.
Maine:				
Northern zone	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 15	Sept. 24–Nov. 15.
Southern zone	do	do	Oct. 1–Nov. 15	Oct. 1–Nov. 15.
Maryland	do	Sept. 1–Nov. 9	Oct. 5–Dec. 8	Oct. 6–Nov. 23, Dec. 3–Dec. 18.
Massachusetts	Sept. 8–Nov. 16	Closed	Oct. 10–Nov. 30	Sept. 8–Nov. 11.
New Hampshire	Closed	do	Oct. 1–Dec. 1	Oct. 1–Dec. 1.
New Jersey [3]	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 13–Dec. 8, Dec. 20–Dec. 27.	Oct. 13–Dec. 15.
New York: [4]				
Long Island area	Closed	Closed	Oct. 1–Nov. 23	Closed.
Southern zone	Sept. 1–Nov. 9	Sept. 1–Nov. 9	do	Oct. 1–Nov. 23.
Remainder of State	do	do	Sept. 20–Nov. 23	Sept. 20–Nov. 23.
North Carolina	do	do	Dec. 8—Feb. 9	Nov. 17–Jan. 19.
Pennsylvania	do	Closed	Oct. 13–Dec. 15	Oct. 13–Dec. 15.
Rhode Island	Sept. 10–Nov. 18	Sept. 10–Nov. 18	Oct. 20–Dec. 7, Dec. 17–Jan. 1.	Oct. 20–Dec. 7, Dec. 17–Jan. 1.
South Carolina	Sept 14–Nov. 22	Sept. 14–Nov. 22	Dec. 26–Feb. 28	Dec. 10–Jan. 19, Feb. 5–Feb. 28.
Vermont	Sept. 29–Dec. 7	Closed	Sept. 29–Dec. 2	Sept. 29–Dec. 2.
Virginia	Sept. 8–Nov. 16	Sept. 8–Nov. 16	Oct. 15–Dec. 18	Nov. 9–Jan. 12.
West Virginia	Oct. 13–Dec. 21	Closed	Oct. 13–Dec. 16	Oct. 13–Dec. 16.
SEASONS IN THE MISSISSIPPI FLYWAY				
Alabama	Nov. 12–Jan. 20	Nov. 12–Jan. 20	Dec. 26–Feb. 28	Dec. 26–Feb. 28.
Arkansas	Sept. 1–Nov. 9	Closed	Dec. 1–Feb. 3	Dec. 1–Feb. 3
Illinois	do	do	Oct. 15–Dec. 15	Oct. 15–Dec. 15.
Indiana	do	do	Sept. 22–Nov. 25	Sept. 22–Nov. 25.
Iowa	Sept. 1–Nov. 4	do	do	Sept. 1–Nov. 4.
Kentucky	Nov. 15–Jan. 20	do	Oct. 15–Dec. 18	Oct. 15–Dec. 18.
Louisiana	Nov. 3–Jan. 11	Nov. 3–Jan. 11	Dec. 8–Feb. 10	Dec. 15–Feb. 17.
Michigan:				
Zones 1 and 2	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 14	Sept. 15–Nov. 14.
Zone 3	do	do	Oct. 20–Nov. 14	Do.
Minnesota	Sept. 1–Nov. 9	do	Sept. 1–Nov. 4	Sept. 1–Nov. 4.
Mississippi	Oct. 27–Jan. 4	Oct. 27–Jan. 4	Dec. 15–Feb. 17	Dec. 15–Feb. 17
Missouri	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Oct. 1–Dec. 4.
Ohio	do	do	Sept. 17–Nov. 20	Sept. 17–Nov. 20.
Tennessee	Dec. 12–Jan. 20	do	Nov. 23–Jan. 25	Dec. 21–Feb. 23.
Wisconsin	Oct. 1–Oct. 7, Oct. 13–Nov. 19	do	Sept. 15–Nov. 18	Oct. 1–Dec. 4
SEASONS IN THE CENTRAL FLYWAY				
Colorado [5]	Sept. 1–Nov. 9	do	Closed	Sept. 1–Nov. 4.
Kansas	Sept. 8–Nov. 16	do	Oct. 13–Dec. 16	Sept. 8–Nov. 11.
Montana [5]	Closed	do	Closed	Closed.
Nebraska	Sept. 1–Nov. 9	do	do	Sept. 15–Nov. 18.
New Mexico [5]	Closed	do	do	Closed.
North Dakota	do	do	do	Sept. 14–Nov. 16.
Oklahoma	Sept. 1–Nov. 9	do	Nov. 20–Jan. 23	Oct. 20–Dec. 23.
South Dakota	Closed	do	Closed	Sept. 1–Oct. 31.
Texas	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 17–Jan. 20	Dec. 26–Feb. 28.
Wyoming [5]	Oct. 6–Dec. 14	Closed	Closed	Oct. 6–Nov. 4, Nov. 26–Dec. 31.
SEASONS IN THE PACIFIC FLYWAY				
Arizona	Closed	do	do	Nov. 17–Jan. 20.
California:				
Southern zone	do	do	do	Oct. 13–Nov. 23, Dec. 1–Jan. 20.
Remainder of State	do	do	do	Oct. 20–Jan. 20.
Colorado [6]	do	do	do	Sept. 29–Oct. 12, Nov. 3–Jan. 20.
Idaho:				
Columbia Basin	do	do	do	Oct. 6–Jan. 13.
Remainder of State	do	do	do	Oct. 6–Jan. 6
Montana	do	do	do	Do.
Nevada:				
Clark and Lincoln Counties	do	do	do	Nov. 17–Jan. 20.
Remainder of State	do	do	do	Oct. 6–Jan. 6.
New Mexico [6]	do	do	do	Closed.
Oregon	do	do	do	Oct. 13–Jan. 13.
Utah	do	do	do	Closed.
Washington	do	do	do	Oct. 13–Jan. 13.
Wyoming [6]	do	do	do	Oct. 6–Dec. 30.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these 2 species.

[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, New York, and Rhode Island, there is a daily bag limit of 7 and possession limit of 14 king and clapper rails, singly or in the aggregate of these 2 species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these 2 species.

[3] In New Jersey the season for woodcock is closed on Nov. 9 and reopens on Nov. 10 at 9 a.m.

[4] In the State of New York, shooting hours for woodcock are sunrise to sunset daily.

[5] Seasons apply to Central Flyway portion of State only.

[6] Seasons apply to Pacific Flyway portion of State only.

Paragraph (c), (e), (g), (h), (i), and (j) of § 20.105 are amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(c) *Gallinules.*

Limits in the Atlantic, Mississippi, and Central Flyways:

Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway.—The daily bag and possession limits are 25 gallinules and coots, singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Connecticut	Sept. 1–Nov. 9.
Delaware	Do.
Florida [1]	Do.
Georgia	Nov. 12–Jan. 19.
Maine	Sept. 1–Nov. 9.
Maryland	Do.
Massachusetts	Sept. 8–Nov. 16.
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9.
New York:	
Long Island area	Closed.
Remainder of State	Sept. 1–Nov. 9.
North Carolina	Do.
Pennsylvania	Do.
Rhode Island	Sept. 10–Nov. 18.
South Carolina	Sept. 14–Nov. 22.
Vermont	Sept. 29–Dec. 7.
Virginia	Nov. 24–Jan. 12.
West Virginia	Oct. 13–Dec. 21.

Seasons in the Mississippi Flyway

Alabama	Nov. 12–Jan. 20.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed.
Kentucky	Nov. 15–Jan. 20.
Louisiana	Sept. 1–Sept. 30, Nov. 3–Dec. 12.
Michigan	Oct. 10–Nov. 23.
Minnesota	Oct. 1–Oct. 10, Oct. 20–Nov. 18.
Mississippi	Oct. 27–Jan. 4.
Missouri	Sept. 1–Nov. 9.
Ohio	Do.
Tennessee	Dec. 12–Jan. 20.
Wisconsin	Oct. 1–Oct. 7, Oct. 13–Nov. 19.

Seasons in the Central Flyway

Colorado [2]	Closed.
Kansas	Do.
Montana [2]	Do.
Nebraska	Do.
New Mexico [2]	Nov. 6–Jan. 14.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming [2]	Closed.

Seasons in the Pacific Flyway

Arizona	Oct. 1–Oct. 28, Nov. 17–Jan. 20.
California:	
Tehachapi area	Oct. 13–Nov. 23, Dec. 1–Jan. 20.
Remainder of State	Oct. 20–Jan. 20.
Colorado [2]	Sept. 29–Oct. 12, Nov. 3–Jan. 20.
Idaho:	
Columbia Basin	Oct. 6–Jan. 13.
Remainder of State	Oct. 6–Jan. 6.
Montana [2]	Do.
Nevada:	
Clark and Lincoln Counties	Oct. 6–Oct. 28, Nov. 17–Jan. 20.
Remainder of State	Oct. 6–Jan. 6.
New Mexico [2]	Oct. 20–Jan. 20.
Oregon:	
Columbia Basin	Oct. 13–Jan. 20.
Remainder of State	Oct. 13–Jan. 13.
Utah [4]	Oct. 6–Jan. 6.
Washington:	
Columbia Basin	Oct. 13–Jan. 20.
Remainder of State	Oct. 13–Jan. 13.
Wyoming [2]	Oct. 6–Dec. 30.

* * * * *

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.

[2] Seasons apply to Central Flyway portion of State only.

[3] Seasons apply to Pacific Flyway portion of State only.

[4] Shooting hours on October 6 are noon till sunset.

(e) *Atlantic, Mississippi, and Central Flyways.*

ATLANTIC FLYWAY

Flywaywide restrictions.—In all States in the Atlantic Flyway, no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession. No more than 1 hooded merganser daily nor 2 in possession may be taken. The season is closed on canvasback and redhead ducks, blue and snow geese, and brant.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits:		
Wood ducks	2	4
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots	15	30

Shooting hours: One-half hour before sunrise to sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Connecticut:			
Ducks	Oct. 20–Oct. 27/Nov. 30–Jan. 5	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 20–Dec. 28	3	6
Delaware:			
Ducks	Nov. 3–Nov. 24/Dec. 14–Jan. 5	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Nov. 3–Dec. 8/Dec. 14–Jan. 16	3	6
Florida:			
Ducks	Nov. 22–Dec. 9/Dec. 20–Jan. 20	(5)	(5)
Geese	Closed		
Georgia:			
Ducks	Dec. 6–Jan. 19	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Closed		
Maine:			
Ducks (noon opening on Oct. 1)	Oct. 1–Oct. 13/Nov. 7–Dec. 8	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 3–Dec. 11	3	6
Maryland:			
Ducks	Nov. 9–Nov. 23/Dec. 21–Jan. 19	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Nov. 2–Nov. 23/Dec. 3–Jan. 19	3	6
Massachusetts:			
Coastal Zone:			
Ducks	Nov. 16–Dec. 25	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Dec. 8–Jan. 17	3	6
Inland Zone:			
Ducks	Oct. 20–Nov. 28	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 20–Nov. 17	3	6
New Hampshire:			
Ducks	Oct. 6–Oct. 27/Nov. 17–Dec. 9	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 6–Oct. 27/Nov. 17–Jan. 3	3	6
New Jersey:			
Ducks	Oct. 13–Oct. 20/Nov. 21–Jan. 1	(5)	(5)
Geese	Oct. 13–Dec. 21	3	6
New York:			
Long Island area:			
Ducks	Nov. 19–Jan. 2	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Nov. 19–Jan. 20	3	6
Lake Champlain area:			
Ducks	Oct. 6–Oct. 21/Nov. 3–Dec. 1	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 6–Dec. 14	3	6
Remainder of State:			
Ducks	Oct. 1–Nov. 4/Dec. 14–Dec. 23	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 1–Dec. 9	3	6

See footnotes end of table.

	Season dates	Limits	
		Bag	Possession
North Carolina:			
Ducks	Dec. 6-Jan. 19	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Dec. 1-Jan. 19	1	2
Pennsylvania: [2]			
Ducks	Oct. 13-Oct. 20/Nov. 2-Dec. 8	4	8
Black Ducks		2	4
Wood ducks		2	2
Maximum duck limits		4	8
Geese:			
Crawford County	Oct. 13-Dec. 14	1	2
Erie County	Oct. 13-Dec. 14	3	6
Remainder of State	Oct. 6-Dec. 14	3	6
Rhode Island:			
Ducks	Oct. 20-Oct. 22/Nov. 17-Dec. 28	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 20-Oct. 22/Nov. 15-Jan. 20	3	6
South Carolina:			
Ducks	Nov. 21-Dec. 1/Dec. 17-Jan. 19	5	10
Black ducks		1	2
Maximum duck limits		5	10
Geese	Dec. 1-Jan. 19	1	2
Vermont:			
Ducks	Oct. 6-Oct. 21/Nov. 3-Dec. 1	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 6-Dec. 14	3	6
Virginia:			
Ducks	Nov. 24-Jan. 12	(1)	(1)
Geese:			
Back Bay Area	Nov. 24-Jan. 12	1	2
Remainder of State	Nov. 12-Jan. 20	3	6
West Virginia:			
Ducks	Oct. 13-Oct. 20/Dec. 14-Jan. 19	4	8
Black ducks		2	4
Maximum duck limits		4	8
Geese	Oct. 13-Dec. 21	3	6

[1] Point system.
[2] In the Pennsylvania counties of Butler, Clarion, Crawford, Erie, Forest, Jefferson, Lawrence, Mercer, Venango, and Warren, on October 13, the shooting hours for ducks and geese are 8 a.m. to sunset.

MISSISSIPPI FLYWAY

Flywaywide restrictions.—In all States in the Mississippi Flyway, no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession. No more than 1 hooded merganser daily nor 2 in possession may be taken. In no State of the Flyway may the daily bag and possession limits include more than 2 white-fronted geese.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

Mississippi River.	Entire river, both sides, from Keokuk Dam upstream to Prescott, Minnesota, at Junction of St. Croix.
Alabama	Baldwin and Mobile Counties.
Louisiana	Caddo, St. Charles, and St. Mary's Parishes.
Michigan	Bay, Muskegon, Huron, McComb, St. Clair, Tuscola, Wayne, and Monroe Counties.
Minnesota	Itasca, Becker, Ottertail, Polk, Cass, Big Stone, Douglas, Grant, Kandiyohi, Lyon, Pope, Traverse, Nicollet, Wabasha, Wright, and Sibley Counties.
Missouri	St. Charles County.
Ohio	Ottawa County.
Tennessee	Kentucky Lake lying north of Interstate Highway 40.
Wisconsin	In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the water area and land area extending 100 yards from the shoreline of Lake Poygan, Waushara County, Lake Winnebago, Calumet and Fond du Lac County, and Rush Lake, Fond du Lac County.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits, except as noted:		
Wood ducks	2	4
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots	15	30
Geese	5	5

Shooting hours: One half-hour before sunrise to sunset daily, except that under the point system, the shooting hours for ducks are sunrise until sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits	
		Bag	Possession
Alabama:			
Ducks	Dec. 12-Jan. 20	5	10
Mallards		2	4
Maximum duck limits		5	10
Geese:			
In Russell and Barbour Counties	Closed season		
In remainder of State	Nov. 12-Jan. 20		
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Maximum goose limits		5	5
Arkansas:			
Ducks	Nov. 24-Dec. 8/Dec. 26-Jan. 19	4	8
Geese (except Canada geese)	Nov. 13-Jan. 20		
White-fronted geese		2	2
Maximum goose limits		5	5
Illinois:			
Ducks [1 2]	Oct. 20-Dec. 8	(3)	(3)
Geese:			
In Alexander, Jackson, Union and Williamson Counties [4]	Nov. 19-Jan. 20		
In the remainder of the State	Oct. 20- Dec. 28		
For the entire State:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Maximum goose limits		5	5
Indiana:			
Ducks	Nov. 3-Dec. 3/Dec. 22-Dec. 30	4	8
Geese	Oct. 20-Dec. 15/Jan. 8-Jan. 20		
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Maximum goose limits		5	5
Iowa:			
Ducks	Dec. 12-Jan. 20	(3)	(3)
Geese (except Canada geese)	Oct. 1-Dec. 9		
Canada geese	Oct. 1-Nov. 9	1	2
White-fronted geese		2	2
Canada and white-fronted combined		3	4
Maximum goose limits		5	5

See footnotes end of table.

	Season dates	Limits: Bag	Limits: Possession
Kentucky:			
Ducks	Dec. 12-Jan. 20	4	8
Geese [1]	Nov. 12-Jan. 20		
Canada geese:			
In Ballard, Hickman, Fulton and Carlisle Counties.		2	4
In remainder of State		1	2
White-fronted geese		2	2
Canada and white-fronted combined:			
In Ballard, Hickman, Fulton, and Carlisle Counties.		4	5
In remainder of State		3	4
Maximum goose limits		5	5
Louisiana:			
Ducks	Nov. 10-Nov. 24/Dec. 22-Jan. 26	(4)	(4)
Geese (except Canada geese):			
In areas east of Mississippi River (31°-33° N. lat.).	Same as Mississippi		
In remainder of State	Nov. 10-Nov. 24/Dec. 22-Feb. 14		
White-fronted geese		2	2
Maximum goose limits		5	5
Canada geese	Closed season		
Michigan:			
Ducks	Oct. 10-Nov. 23	(4)	(4)
Geese:			
Zones 1 and 2	Oct. 1-Nov. 30		
Zone 3	Oct. 10-Nov. 30		
Canada goose		1	1
White-fronted goose		2	2
Canada and white-fronted combined		2	3
Maximum goose limits		5	5
Minnesota:			
Ducks	Oct. 1-Oct. 10/Oct. 20-Nov. 18	4	8
Canvasbacks	Closed season		
Redheads	do		
Geese:			
In Southeastern Zone, Canada, snow, and blue	Oct. 1-Dec. 9		
In remainder of State, snow and blue	Oct. 1-Nov. 18		
Canada	Oct. 1-Oct. 21		
In both areas:			
Canada goose		1	1
White-fronted goose		2	2
Canada and white-fronted combined		2	3
Maximum goose limits		5	5
Mississippi:			
Ducks	Dec. 8-Dec. 16/Dec. 15-Jan. 20	4	8
Geese:			
In areas west of Mississippi River (31°-33° N. lat.).	Same as Louisiana		
In remainder of State	Oct. 6-Nov. 7/Dec 15-Jan. 20		
Canada geese:			
In Issaquena, Sharkey and Washington Counties.	Closed season		
In Lafayette, Marshall, and Panola Counties.		1	2
In remainder of State		2	2
White-fronted geese		2	2
Canada and white-fronted combined			
In Lafayette, Marshall, and Panola Counties.		3	4
Remainder of State		4	4
Maximum goose limits		5	5
Missouri:			
Ducks	Nov. 1-Dec. 15	(4)	(4)
Geese [1]	Nov. 1-Jan. 9		
Canada geese:			
Southeast Area, east of Interstate Highway 55 and south of Crystal City.	Dec. 1-Jan. 20	2	2
In Swan Lake area [2]	Nov. 1-Jan. 9	1	2
In remainder of State	Nov. 1-Dec. 10	1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Maximum goose limits		5	5
Ohio:			
In Pymatuning area:			
Ducks	Oct. 13-Oct. 20/Nov. 2-Dec. 8	(4)	(4)
Geese	Oct. 13-Dec. 14	3	6
In remainder of State:			
Ducks	Oct. 19-Nov. 24/Dec. 26-Jan. 2	(4)	(4)
Geese	Oct. 19-Dec. 19/Dec. 26-Jan. 2		
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Maximum goose limits		5	5
Tennessee:			
Ducks	Dec. 12-Jan. 20	4	8
Geese	Nov. 12-Jan. 20		
Canada geese:			
Shelby, Lake, Tipton, Dyer, Lauderdale, and Obion Counties.		2	2
Remainder of State		1	2
White-fronted geese		2	2
Canada and white-fronted combined:			
Shelby, Lake, Tipton, Dyer, Lauderdale, and Obion Counties.		4	4
Remainder of State		3	4
Wisconsin:			
Ducks	Oct. 1-Oct. 7/Oct. 13-Nov. 19	(4)	(4)
Geese:			
Horicon zone	Oct. 11-Oct. 28		
Remainder of State	Oct. 1-Dec. 9		
Canada geese [1]		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4

[1] Notwithstanding the provisions of § 20.20, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported or delivered for transportation by common carrier, the Postal Service, or by any person except as the personal baggage of the hunter who took the birds.

[2] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State. When it is determined by the Director, Bureau of Sport Fisheries and Wildlife, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

[3] Shooting hours for geese are sunrise until 3 p.m.

[4] Point system.

CENTRAL FLYWAY

Including Central Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Flywayside restrictions.—In all States in the Central Flyway, no more than 2 wood ducks and 2 hen mallards may be taken daily nor more than 4 wood ducks and 4 hen mallards may be in possession. No more than 1 hooded merganser daily nor 2 in possession may be taken. In no State of the Flyway may daily bag and possession limits include more than 2-white-fronted geese or more than 1 Ross' goose.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

North Dakota	All that portion east of State Highway 3, including all or portions of 27 counties.
South Dakota	The counties of Brookings, Codington, Day, Kingsbury, Lake, Roberts, Marshall, and Hamlin Counties.
Texas	The counties of Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Harris, Jackson, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, and Willacy.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits, except as noted:		
Wood ducks	2	4
Hen mallards	2	4
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots	15	30
Geese, Ross'	1	1

Shooting hours: One-half hour before sunrise to sunset daily.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Colorado:			
Ducks	Sept. 29-Oct. 9/Nov. 10-Jan. 13	(1)	(1)
Geese	Oct. 27-Jan. 20	2	4
Kansas:			
Ducks:			
In High Plains area	Oct. 6-Oct. 21/Nov. 10-Jan. 8	(1)	(1)
In remainder of State	Oct. 6-Oct. 21/Nov. 10-Dec. 23	(1)	(1)
Geese:			
Snow and blue	Oct. 6-Oct. 21/Nov. 3-Dec. 28	5	5
Canada	Oct. 6-Oct. 21/Nov. 3-Dec. 16	1	2
White-fronted	do	1	1
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
Montana:			
Ducks	Sept. 29-Nov. 27/Dec. 15-Dec. 30	(1)	(1)
Geese	Sept. 29-Dec. 30	2	4
Nebraska:			
Ducks:			
In High Plains area	Oct. 6-Dec. 4/Dec. 22-Jan. 6	(1)	(1)
In remainder of State	Oct. 6-Dec. 4	(1)	(1)
Geese	Sept. 29-Dec. 9		
West of Highway 183, through Nov. 25:			
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
East of Highway 183, and west of Highway 183 after Nov. 25:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits statewide		5	5
New Mexico:			
Ducks (except Mexican)	Nov. 6-Jan. 20	(1)	(1)
Mexican ducks	Season closed		
Geese:			
In Bernalillo, Sandoval, Sierra, Socorro, and Valencia Counties.	Dec. 29-Jan. 13	1	2
In remainder of State	Nov. 6-Jan. 20	2	4
North Dakota:			
Ducks	Sept. 29-Nov. 18	5	10
Geese	do		
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
Oklahoma:			
Ducks:			
In High Plains area	Oct. 20-Nov. 18/Dec. 8-Jan. 22	(1)	(1)
In remainder of State	Oct. 27-Nov. 18/Dec. 8-Jan. 13	(1)	(1)
Geese:			
In Alfalfa, Bryan, Johnson, and Marshall Counties.	Oct. 27-Nov. 11/Nov. 30-Jan. 3		
In remainder of State	Oct. 8-Nov. 11/Nov. 30-Jan. 5		
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
South Dakota:			
Ducks:			
In High Plains area	Oct. 6-Dec. 4/Dec. 16-Dec. 31	(1)	(1)
In remainder of State	Oct. 6-Dec. 4	(1)	(1)
Geese	Oct. 6-Dec. 2		
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits		5	5
Texas:			
Ducks (except Mexican):			
In High Plains area	Oct. 25-Nov. 25/Dec. 8-Jan. 20	(1)	(1)
In remainder of State	Nov. 10-Nov. 25/Dec. 8-Jan. 20	(1)	(1)
Mexican ducks (statewide)	Closed season		
Geese	Oct. 29-Nov. 25/Dec. 8-Jan. 20		
East of Highway 81:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		1	2
West of Highway 81:			
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Maximum goose limits statewide		5	5
Wyoming:			
Ducks	Oct. 6-Nov. 4/Nov. 22-Jan. 6	(1)	(1)
Geese	Oct. 13-Jan. 13	2	4

[1] Point system.

(f) *Pacific Flyway.*—including Pacific Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Flywaywide restrictions.—In all States in the Pacific Flyway, no more than 1 hooded merganser daily nor 2 in possession may be taken. No more than 1 Ross' goose daily and 1 in possession may be taken, and no more than 3 geese of the dark species may be included in the daily bag.

Except in closed areas, the limit on canvasbacks is 1 canvasback daily and 1 in possession. The areas closed to canvasback hunting are:

California San Francisco Bay—Suisun area—beginning at the Golden Gate Bridge, north on U.S. Highway 101 to State Highway 37; then east on State Highway 37 to U.S. Highway 80; then north on U.S. Highway 80 to State Highway 12 at Fairfield; then east on State Highway 12 to Rio Vista at State Highway 84 (160); then south on State Highway 84 (160) to State Highway 4; then west on State Highway 4 to U.S. Highway 80; then south on U.S. Highway 80 to State Highway 17; then south on State Highway 17 to U.S. Highway 101 at San Jose; then north on U.S. Highway 101 to point of beginning. Salton Sea—entire water area of Salton Sea.

Nevada Churchill County.

Oregon Lincoln and Harney Counties.

Washington Grays Harbor and Pacific Counties.

Check State regulations for additional restrictions and delineations of geographical areas within States.

	Bag	Possession
Flywaywide limits, except as noted:		
Mergansers (except hooded)	5	10
Hooded mergansers	1	2
Maximum merganser limits	5	10
Coots and/or gallinules, singly or in the aggregate of both species	25	25
Geese:		
Dark species	3	6
Ross' goose	1	1

Shooting hours: One-half hour before sunrise to sunset daily, except extended ½ hour after sunset in Columbia Basin areas.

The season dates for mergansers, coots, and gallinules are the same as those for ducks in the following tables:

Arizona:			
Ducks (except Mexican)	Oct. 1-Oct. 28/Nov. 17-Jan. 20	5	10
Mexican ducks	Closed season		
Geese	Nov. 17-Jan. 6	6	6
Canada geese		2	2
Maximum goose limits		6	6
California:			
Tulelake area:			
Ducks	Oct. 13-Jan. 13	5	10
Geese	do	6	6
Colorado River area:			
Ducks	Oct. 1-Oct. 28/Nov. 17-Jan. 20	5	10
Geese	Nov. 17-Jan. 6	6	6
Canada geese		2	2
Maximum goose limits		6	6
District 22:			
Ducks	Oct. 13-Nov. 23/Dec. 1-Jan. 20	6	6
Geese	do	6	6
Canada geese	Oct. 27-Nov. 23/Dec. 1-Jan. 6	1	1
Maximum goose limits		6	6
South of Tehachapi area:			
Ducks	Oct. 13-Nov. 23/Dec. 1-Jan. 20	6	6
Geese	do	6	6
Canada geese	Oct. 27-Nov. 23/Dec. 1-Jan. 6	2	2
Maximum goose limits		6	6
Remainder of State:			
Ducks	Oct. 20-Jan. 20	6	6
Geese	do	6	6
Brant (statewide)	January 19-Feb. 20	4	8
Colorado:			
Ducks	Sept. 29-Oct. 12/Nov. 3-Jan. 20	5	10
Geese	Oct. 13-Dec. 16	6	6
Canada		2	2
Maximum goose limits		6	6
Idaho:			
Ducks:			
Columbia Basin	Oct. 6-Jan. 13	6	12
Remainder of State	Oct. 6-Jan. 6	6	6
Geese:			
East of Highway 93	do	3	6
Canada geese	Oct. 13-Dec. 9	2	2
Maximum goose limits		3	6
10 north counties	Oct. 6-Jan. 6	3	6
Remainder west of Highway 93	do	3	6
Canada geese	Oct. 13-Dec. 30	2	2
Maximum goose limits		3	6
Montana:			
East of Continental Divide:			
Ducks	Oct. 6-Jan. 6	5	10
Geese	Oct. 6-Dec. 9	6	6
Canada geese		2	2
Maximum goose limits		6	6
West of Continental Divide:			
Ducks	Oct. 6-Jan. 6	5	10
Geese	Oct. 6-Dec. 30	6	6
Canada geese		2	2
Maximum goose limits		6	6
Nevada:			
Clark and Lincoln Counties:			
Ducks	Oct. 6-Oct. 28/Nov. 17-Jan. 20	5	10
Geese	Nov. 17-Jan. 6	6	6
Canada geese		2	2
Maximum goose limits		6	6
Remainder of State:			
Ducks	Oct. 6-Jan. 6	5	10
Geese	Oct. 20-Jan. 20	6	6
New Mexico:			
North of Highway 66:			
Ducks (except Mexican)	Oct. 20-Jan. 20	5	10
Mexican ducks	Closed season		
Geese	do		
South of Highway 66:			
Ducks (except Mexican)	Oct. 20-Jan. 20	5	10
Mexican ducks	Closed season		
Geese	Nov. 3-Jan. 6	6	6
Canada geese		2	2
Maximum goose limits		6	6
Oregon:			
Baker and Malheur Counties:			
Ducks	Oct. 13-Jan. 20	6	12
Geese	Oct. 13-Dec. 30	6	6
Canada geese		2	2
Maximum goose limits		6	6
Union and Wallowa Counties:			
Ducks	Oct. 13-Jan. 20	6	12
Geese	Oct. 13-Jan. 13	6	6
Morrow, Umatilla, Gilliam, Sherman, and Wasco Counties:			
Ducks	Oct. 13-Jan. 20	6	12
Geese	do	6	6
Remainder of State:			
Ducks	Oct. 13-Jan. 13	5	10
Geese	do	6	6
Brant (statewide)	Nov. 19-Feb. 19	4	8
Utah:			
Ducks (noon opening on Oct. 6)	Oct. 6-Jan. 6	5	10
Geese	Oct. 13-Dec. 16	6	6
Canada geese		2	2
Maximum goose limits		6	6
Washington:			
East 10-county area:			
Ducks	Oct. 13-Jan. 20	6	12
Geese	do	3	6
Remainder east of Cascade Mountains:			
Ducks	do	6	12
Geese	Oct. 13-Jan. 13	3	6
West of Cascade Mountains:			
Ducks	do	5	10
Geese	do	3	6
Brant (statewide)	Nov. 21-Feb. 20	4	8
Wyoming:			
Ducks	Oct. 6-Dec. 30	6	6
Geese	Oct. 6-Nov. 19/Dec. 1-Dec. 30	6	6
Canada geese		2	2
Maximum goose limits		6	6

(g) *Point system—ducks, mergansers, and coots.*—The States listed in this paragraph have selected the point system bag limits on designated species on a statewide basis in place of the conventional bag limits.

(1) The point values for the species and sexes taken are as follows:

ATLANTIC FLYWAY

100 points	70 points	10 points	25 points
Fulvous tree duck (Florida only).	Hen mallard, black duck, mottled duck, wood duck, hooded merganser.	Blue-winged teal, scaup, sea ducks, widgeon, mergansers (exc. hooded).	All other sexes and species of ducks except canvasbacks and redheads.

MISSISSIPPI FLYWAY

100 points	90 points	15 points	25 points
Canvasback and redhead, except where closed.	Hen mallard, wood duck, hooded merganser, black duck in Michigan only.	Blue-winged teal, green-winged teal, scaup, sea ducks, widgeon, shovelers, gadwalls, mergansers (except hooded).	All other sexes and species of ducks.

CENTRAL FLYWAY

100 points	70 points	10 points	20 points
Canvasback and redhead, except where closed.	Hen mallard, wood duck, hooded merganser.	Blue-winged teal, cinnamon teal, widgeon, scaup, merganser (except hooded).	All other sexes and species of ducks (season is closed on Mexican ducks in Texas and New Mexico).

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. Shooting hours are one-half hour before sunrise until sunset daily in the Atlantic and Central Flyways and sunrise until sunset daily in the Mississippi Flyway.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Florida	Nov. 22–Jan. 10.
New Jersey	Oct. 13–Oct. 20/ Nov. 21–Jan. 1.
Virginia	Nov. 24–Jan. 12.

Seasons in the Mississippi Flyway

Illinois	Oct. 20–Dec. 3.
Iowa	Dec. 12–Jan. 20.
Louisiana	Nov. 10–Nov. 24/ Dec. 22–Jan. 20.
Michigan	Oct. 10–Nov. 23.
Missouri	Nov. 1–Dec. 15.
Ohio:	
Pymatuning area	Oct. 13–Oct. 20/ Nov. 2–Dec. 8.
Remainder of State	Oct. 19–Nov. 24/ Dec. 26–Jan. 2.
Wisconsin	Oct. 1–Oct. 7/ Oct. 13–Nov. 19.

Seasons in the Central Flyway

Colorado[1]	Sept. 29–Oct. 9/ Nov. 10–Jan. 13.
Kansas:	
High Plains area	Oct. 6–Oct. 21/ Nov. 10–Jan. 8.
Remainder of State	Oct. 6–Oct. 21/ Nov. 10–Dec. 23.
Montana:	Sept. 29–Nov. 27/ Dec. 15–Dec. 30.
Nebraska:	
High Plains area	Oct. 6–Dec. 4/ Dec. 22–Jan. 6.
Remainder of State	Oct. 6–Dec. 4.
New Mexico[1]	Nov. 6–Jan. 20.
Oklahoma:	
High Plains area	Oct. 20–Nov. 18/ Dec. 8–Jan. 22.
Remainder of State	Oct. 27–Nov. 18/ Dec. 8–Jan. 13.
South Dakota:	
High Plains area	Oct. 6–Dec. 4/ Dec. 16–Dec. 31.
Remainder of State	Oct. 6–Dec. 4.
Texas:	
High Plains area	Oct. 25–Nov. 25/Dec. 8–Jan. 20
Remainder of State	Nov. 10–Nov. 25/Dec. 8–Jan. 20
Wyoming[1]	Oct. 6–Nov. 4/Nov. 22–Jan. 6

Seasons in the Pacific Flyway

None.

(h) *Scaup only season.*—A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Connecticut	Jan. 11–Jan. 26.
Florida	Jan. 12—Jan. 27
Massachusetts	Dec. 26–Jan. 10.
New Hampshire	Dec. 15–Dec. 30.
New Jersey	Nov. 5–Nov. 20.
Rhode Island	Dec. 29–Jan. 13.

Seasons in the Mississippi Flyway

Michigan	Nov. 24–Dec. 9.
Ohio	Nov. 27–Dec. 12.
Wisconsin	Nov. 20–Dec. 5.

(i) *Extra teal during regular season.*—An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Connecticut	Oct. 20–Oct. 27.
Delaware	Nov. 3–Nov. 10.
Maine (noon opening on Oct. 1)	Oct. 1–Oct. 9.
Maryland	Nov. 9–Nov. 17.
New Hampshire	Oct. 6–Oct. 14.
New York:	
Lake Chaplain area	Oct. 6–Oct. 14.
Long Island area	Closed.
Remainder of State	Oct. 1–Oct. 9.
North Carolina	Dec. 6–Dec. 14.
Rhode Island	Oct. 20–Oct. 22.
South Carolina	Jan. 11–Jan. 19.
Vermont	Oct. 6–Oct. 14.
West Virginia	Oct. 13–Oct. 20.

Seasons in the Mississippi Flyway

Kentucky	Dec. 12–Dec. 20.

Seasons in the Central Flyway

North Dakota	Sept. 29–Oct. 7.

Seasons in the Pacific Flyway

None.

(j) *Extra scaup during regular season.*—The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. This extra limit is in addition to the regular duck bag limits and unless otherwise specified, it may be taken during the entire regular duck season.

Check State regulations for additional restrictions and delineations of geographical areas within States.

Seasons in the Atlantic Flyway

Delaware	Nov. 3–Nov. 24/Dec. 14–Jan. 5.
Georgia	Dec. 6–Jan. 19
Maine (noon opening Oct. 1)	Oct. 1–Oct. 13/Nov. 7–Dec. 8.
Maryland	Nov. 9–Nov. 23/Dec. 21–Jan. 19.
New York:	
Lake Champlain Area	Nov. 3–Dec. 1.
Long Island Area	Jan. 12–Jan. 27.
Remainder of State	Oct. 1–Nov. 4/Dec. 14–Dec. 23.
North Carolina	Dec. 6–Jan. 19.
Pennsylvania	Oct. 13–Oct. 20/Nov. 2–Dec. 8.
South Carolina	Nov. 21–Dec. 1/Dec. 17–Jan. 19.
Vermont	Nov. 3–Dec. 1.
West Virginia	Oct. 13–Oct. 20/Dec. 14–Jan. 19.

Seasons in the Mississippi Flyway

Alabama	Dec. 12–Jan. 20.
Arkansas	Nov. 24–Dec. 8/Dec. 26–Jan. 19.
Kentucky	Dec. 12–Jan. 20.
Mississippi	Dec. 8–Dec. 10/Dec. 15–Jan. 20.

Section 20.106 is amended as follows:

§ 20.106 Seasons, limits, and shooting hours for little brown cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado, except in the San Luis Valley area, season dates are October 1 through November 5, 1973.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay,

[1] Central Flyway portion of State only.

and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Hovard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates are October 27, 1973, through January 27, 1974.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are December 1, 1973, through January 27, 1974.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, the season dates are November 10 through December 9, 1973.

(e) In Phillips County, Montana, the season dates are September 29 through November 4, 1973.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 13 through November 11, 1973.

Section 20.107 is amended as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the tSates of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the county of Churchill.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Bureau must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1973–74 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, the hunter must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

Effective September 29, 1973.

(40 Stat 744 (16 U.S.C. 703 et seq.))

CHARLES M. LOVELESS,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1973.

[FR Doc.73-18361 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on August 13, 1973.

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

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Kirwin National Wildlife Refuge, Kansas, is permitted as follows: Ducks and coots, from October 6, through October 21, 1973, inclusive, and from November 10, through December 23, 1973, inclusive; geese, from October 6, through October 21, 1973, inclusive, and from November 3, through December 28, 1973, inclusive, but only Snow and Blue geese may continue to be hunted on a statewide basis December 17, through December 28, 1973, inclusive; only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

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 28, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

AUGUST 21, 1973.

[FR Doc.73-18518 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 20, 1973 through January 31, 1974.

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in one day more than 10 shells on the West Public Hunting Area.

(4) Hunting is permitted in the South Public Hunting Area during the State duck season.

(5) The necessary permit to enter the South Public Hunting Area may be obtained from one hour before shooting time until 3:00 p.m. local standard time at the checking station located at Port Mahon. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permitee using the West Public Hunting Area will pay a blind fee of $5.00 on the day of the hunt. A User Fee of $1.00 per hunter will be charged on the South Public Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(8) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On designated days on the South and West Public Hunting Areas, migratory waterfowl will be hunted with 12-gauge shotguns using iron shot. Ammunition will be provided by the refuge at a charge of $0.16 per round.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

WILLARD M. SPAULDING JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18494 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge; Pennsylvania

The following special regulation is issued and is effective during the period September 1, 1973 through March 15, 1974.

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

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted on portions of the Erie National Wildlife Refuge, Pennsylvania. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, and foxes during the period September 1, 1973 through March 15, 1974, subject to the following special condition:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 1, 1973 through November 25, 1973.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1974.

WILLARD M. SPAULDING JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18496 Filed 8-30-73;8:45 am]

PART 32—HUNTING

National Elk Refuge; Wyoming

The following special regulation is issued and is effective August 31, 1973.

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

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyoming, is permitted from October 27 through November 9, 1973, only on the area designated by signs as open to hunting. This open area, comprising 18,247 acres is delineated on maps available at refuge headquarters, Jackson, Wyoming, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana 59102. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1973 State Elk Hunting license. Forty special permits shall be issued to applicants by drawing at refuge headquarters at 12:30 p.m. on Friday, October 26, 1973 and every Friday thereafter through November 2, 1973. These permits are good for the Saturday through Monday period following each Friday drawing. Forty special permits shall be issued by drawing at refuge headquarters at 12:30 p.m. on Monday, October 29, 1973, and every Monday thereafter through November 5, 1973. These permits are good for the Tuesday through Friday period following each Monday drawing.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

(5) Persons successful in drawing a permit may not draw again in succeeding drawings.

(6) Permits will be revoked in the event of a violation of refuge regulations and violations can result in denial of future privileges as per the Code of 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 November 9, 1973.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyoming.

AUGUST 14, 1973.

[FR Doc.73-18497 Filed 8-30-73;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period September 1, 1973 through January 31, 1974.

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Prime Hook National Wildlife Refuge, Delaware, is permitted within the regularly established 1973-74 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Archery hunters must show proof of completion of a weapons qualification test. This test will consist of placing 2 out of 5 arrows in the 9- x 14-inch chest area of a standard-size deer target at 25 yards.

(2) Primitive weapons hunters must show proof of completion of a weapons qualification test. This test will consist of placing 3 consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

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 January 31, 1974.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1973.

[FR Doc.73-18495 Filed 8-30-73;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1129]

MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agriculture Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Austin-Waco marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before September 7, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1129.20, which defines a "fluid milk product", the language "cultured sour cream."

The proposed action would result in sour cream being classified as a Class II product rather than as a Class I product.

The suspension was requested by the only two pool plant operators regulated under the Austin-Waco order. Handlers in the North Texas and San Antonio Federal order markets, where sour cream is a Class II product, account for a substantial amount of the total sour cream sales in the Austin-Waco marketing area. The Austin-Waco handlers contend that the lower classification of sour cream under these other orders places them at a competitive disadvantage on their own sour cream sales. The proposed suspension, it is claimed, would eliminate this disadvantage.

Signed at Washington, D.C., on August 27, 1973.

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

[FR Doc.73-18561 Filed 8-30-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 317]

LABELING POLICY FOR CURED PRODUCTS

Correction to Proposed Changes in Interpretation

The notice published in the FEDERAL REGISTER of August 10, 1973, (38 FR 21648, FR Doc. 73-16506) concerning declaration of curing ingredients on the labels of certain products contains an error. In the text proposed for § 317.17, the citation "§ 312.2(j)" should read "§ 317.2(j)".

Done at Washington, D.C., on August 27, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-18517 Filed 8-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 73-137 PH]

MARKING OF PACKAGES

Notice of Proposed Rulemaking

The Coast Guard is considering amending the dangerous cargo regulations to require the marking of packages containing redioactive materials with the proper shipping name and to prescribe markings for portable tanks.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (GCMC/82), Room 8234, 400 Seventh Street SW. Washington, D.C. 20590. (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice (CGD 73-137 PH), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

Public hearing. The Coast Guard will hold a hearing on September 25, 1973, at 0930 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation. Written summaries or copies of oral presentations are encouraged.

Closing date for comments.—All communications received before October 5, 1973 will be evaluated before final action is taken on this proposal. The proposal regulations may be changed in the light of comments received.

By a separate document published at page 15512 of the July 27, 1973, issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation amended Title 49, Code of Federal Regulations. For reasons fully stated in that document the Board has made these changes.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

The Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR Part 146.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46 of the Code of Federal Regulations by:

1. Adding to § 146.05-15(a) after the words "poisonous articles" the words "radioactive materials".

2. Revising § 146.05-15(e)(1) to read as follows:

(1) Packages containing hazardous materials other than explosives must be marked, unless exempted, with the proper shipping name as shown in the commodity list of the regulations in this part. For tank cars, this marking must appear either on the placards or commodity cards. For other than domestic shipments, where the proper shipping name of a commodity is an "N.O.S." entry in the particular table, this marking shall be qualified by the chemical name of the commodity in parentheses e.g. "Corrosive liquid, N.O.S. (caprylyl chloride)".

(i) Each portable tank used for the transportation of a hazardous material must be conspicuously and legibily marked, on a background of sharply contrasting color with a sign or lettering on the tank, such as "Corrosive Liquid", "Compressed Gas", or "Flammable Compressed Gas" as appropriate, and with the proper shipping name as shown in the list of hazardous materials. The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank, whichever is greater. Each portable tank must be marked with

the owner's name. In addition to these markings, the trade name for the contents may be marked on the portable tank: *Provided, however,* That no such marking will be of such size and character as to render the required markings inconspicuous.

(R.S. 4472, as amended, R.S. 4417a, as amended; Sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 170, 49 U.S.C. 1655(b)(1)) 49 CFR 1.46(b))

Dated: August 27, 1973.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73-18530 Filed 8-30-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-54]

AREA LOW ROUTES

Proposed Designation; Withdrawal

On April 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 FR 8161) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate six area low navigation routes to be used between airports in the Washington, D.C., New York, N.Y., and Boston, Mass., areas.

Subsequent to the publication of the notice, a task force consisting of FAA and industry personnel issued a comprehensive report on the Application of Area Navigation in the National Airspace System. Since future policy governing application of area navigation will be determined after completion of certain research and development efforts called for in the report, it is deemed prudent to withdraw the notice of proposed rulemaking at this time. After completion of these research and development efforts, a decision will be made concerning issuance of any future notice of proposed rulemaking for the designation of area low navigation routes.

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

In consideration of the foregong, notice is hereby given that the proposal contained in Airspace Docket No. 71-EA-54 (36 FR 8161) is withdrawn.

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

Issued in Washington, D.C., on August 23, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-18506 Filed 8-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WE-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Nut Tree Airport, Vacaville, California.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Blvd., P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Blvd., Hawthorne, California 90260.

A new instrument approach procedure has been developed for Nut Tree Airport utilizing the 259° T (242° M) radial of the Sacramento VORTAC. The proposed 700-foot transition area is required to provide controlled airspace protection for aircraft executing the new procedure while operating between 1,500 and 700 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

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

VACAVILLE, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Nut Tree Airport, California (latitude 33°22'18" N., longitude 121°57'33" W.) and within 2.5 miles each side of the Sacramento VORTAC 259° radial, extending from the 3-mile radius area to 13 miles W. of the VORTAC.

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

Issued in Los Angeles, Calif., on August 21, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.73-18507 Filed 8-30-73;8:45 am]

Office of the Secretary

[41 CFR Ch. 12]

DETERMINATION OF RIGHTS TO INVENTIONS

Notice of Proposed Rule Making

The Department of Transportation is developing regulations to govern the allocation of rights to inventions made under DOT contracts containing either the Patent Rights (Title) clause or the Patent Rights (Deferred) clause prescribed by §§ 12-9.6102 and 12-9.6104 of the DOT procurement regulations.

The proposed regulation is consistent with the policies of the Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887-16972) which provide guidance to government agencies regarding the disposition of rights to inventions made under government contracts.

Interested parties are invited to participate in the development of the regulations by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in triplicate, to the Department of Transportation, Office of Installations and Logistics, TAD-60, Washington, D.C. 20590. Communications received by October 17, 1973, will be considered prior to adoption of the final regulations. A copy of each communication will be available for public inspection in the Office of Installations and Logistics, Room 9100, 400 Seventh Street, SW, Washington, D.C.

The proposed regulation is to be issued under the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949.

In consideration of the foregoing, the Department proposes to amend Chapter 12 of Title 41 of the Code of Federal Regulations by adding a new Subpart 12-9.64 as set forth below.

Issued in Washington, D.C., on August 17, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

Subpart 12-9.64—Determination of Rights to Inventions

Sec.	
12-9.6400	Scope of subpart.
12-9.6401	Definitions and terms.
12-9.6402	Policy.
12-9.6403	Advance waivers.
12-9.6404	Waiver after reporting inventions.
12-9.6405	Waiver of foreign rights.
12-9.6406	Reservations.
12-9.6407	License to contractor.
12-9.6408	Voidability of waivers.
12-9.6409	Content of petitions.
12-9.6410	Submission of petitions.
12-9.6411	Notice of proposed Board action and reconsideration.
12-9.6412	Hearing procedure.
12-9.6413	Findings and recommendations of the Board.
12-9.6414	Action by the Secretary.
12-9.6415	Filing of patent applications.
12-9.6416	Publication.

AUTHORITY: Sec. 205(c), Federal Property and Administrative Services Act of 1949.

Subpart 12-9.64—Determination of Rights to Inventions

§ 12-9.6400 Scope of subpart.

(a) This subpart sets forth policies and procedures for the granting of waiv-

ers of rights to inventions made in the course of or under DOT contracts which contain the Patent Rights (Title) clause or the Patent Rights (Deferred) clause.

(b) It does not apply to contracts subject to section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 721 (15 U.S.C. 1395(c)).

§ 12-9.6401 Definitions and terms.

As used in this subpart:

(a) "Government agency" includes any executive department, independent commission, board, office, agency administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(b) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(c) "Contractor" means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(d) "Contract" means any actual or proposed contract, agreement, grant or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental developmental, or research work.

(e) "Made" when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(f) "Government purpose" means the practice (making, using or selling) of an invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and municipal governments.

(g) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(h) "Board" means the Department of Transportation Patent Rights Review Board, TGC-15, Washington, D.C. 20590.

(i) "Chairman" means the Chairman of the DOT Patent Rights Review Board.

(j) "Petitioner" means a party who requests that the Secretary waive rights in an invention or class of inventions made or which may be made under a DOT contract.

(k) "The Secretary" means the Secretary of the U.S. Department of Transportation, or his duly authorized representative.

(l) "States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific.

(m) "Patent Rights (Title)" means that clause specified in § 12-9.6102(c).

(n) "Patent Rights (Deferred)" means that clause specified in § 12-9.6104(b).

(o) "Statement of Government Patent Policy" means the Presidential Memorandum and Statement of Government Patent Policy, issued August 23, 1971 (36 FR 16887-16892) (See § 12-9.6101).

§ 12-9.6402 Policy.

(a) In determining whether to grant a waiver of rights to inventions made in the course of or under a DOT contract, the Secretary will be guided by the objectives set forth in, and the basic policy of the Statement of Government Patent Policy. Expeditious development and civilian use of these inventions will be encouraged so as to stimulate inventors and meet the needs of the Government, while at the same time, recognizing the equities of the contractor and serving the public interest.

(b) Section 1(a) and 1(c) of the Statement of Government Patent Policy recognize various situations in which waiver of domestic rights may be granted. In exceptional circumstances the contractor may at the time of contracting, be allocated greater rights than a nonexclusive license in inventions made under contracts containing the Patent Rights (Title) clause if the Secretary determines that the granting of such waiver will best serve the public interest.

(c) Waivers may also be granted at the time of contracting in special situations, even though the contractor does not have an established commercial interest and the contract includes the Patent Rights (Deferred) clause, where the Secretary determines that such waiver will best serve the public interest.

(d) Waiver of rights to an identified invention made and reported under a contract may also be granted where the Secretary determines that the waiver is consistent with the intent of section 1(a) and is either a necessary incentive to call forth risk capital and expense to bring the invention to the point of practical application, or that the Government's contribution is small compared to that of the contractor.

(e) A waiver may be granted for an identified invention not directly related to the primary object of the contract, taking into account the contractor's intention to bring the invention to the point of practical application when this intention will create the greatest likelihood that the invention will be developed and put into commercial use.

§ 12-9.6403 Advance waivers.

(a) This section applies to petitions for advance waiver of domestic rights to inventions which may be made in the course of or under a contract which includes the Patent Rights (Title) clause or the Patent Rights (Deferred) clause. Such petitions may be submitted by the contractor prior to his signing of the contract or within 30 days thereafter.

(b) In exceptional circumstances waiver of domestic rights to any or all of the inventions which may be made in the course of or under a contract which includes the Patent Rights (Title) clause may be granted if the contractor has an established or identified plan that is reasonably expected to bring the invention(s) to the point of practical application in an expeditious manner, and one or more of the following conditions exists.

(1) A qualified contractor will not participate without the grant of a waiver, and the contract is deemed essential to a DOT program.

(2) The contract calls for a cooperative endeavor requiring significant contribution of funds by the contractor to the work to be performed.

(3) The objectives of the research will be materially advanced by leaving greater rights to the contractor: *Provided*, That the public interest is otherwise protected.

(4) The public interest would be advanced by leaving greater rights with a nonprofit institution that agrees to administer the invention in the public interest.

(c) Waiver of domestic rights to all of the inventions which may be made in the course of or under a contract which includes the Patent Rights (Deferred) clause may be granted in special situations where the public interest in the availability of the inventions would best be served by a waiver of domestic rights. Following are examples of such special situations.

(1) A newly formed company having a definite program for establishing a nongovernment commercial position in the field of the contract or in an area related thereto.

(2) An established company not having a nongovernmental commercial position in the field of the contract or a directly related field, but having established plans and programs for achieving such a position.

(3) An educational institution having a promulgated policy and an effective program for acquiring rights to inventions and for acting by itself or through others to bring the results of such inventions to practical application.

§ 12-9.6404 Waiver after reporting inventions.

(a) This section applies to waiver of domestic rights to identified inventions which have been reported under contracts containing either the Patent Rights (Title) clause or the Patent Rights (Deferred) clause where an advance waiver has not been granted.

(b) Waiver of domestic rights to identified inventions may be granted if the Board finds that granting a waiver is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application, or that the Government's contribution to the invention is small compared to that of the petitioner, and also that:

(1) The invention is not directly related to a Governmental program for creating, developing, or improving products, processes, or methods for use by the general public at home or abroad; and

(2) It is reasonably expected that Government regulations will not require use of the invention by the general public at home or abroad; and

(3) The invention does not directly concern the public health, safety or welfare; and

(4) The invention is not (i) in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or (ii) in a field in which the Government has been the principal developer of the field, and the acquisition of exclusive rights in the invention would likely confer on the petitioner a preferred or dominant position; and

(5) The incentives provided by waiver will, in view of petitioner's plans and intentions to bring the invention to the point of practical application, and the known plans of others, increase the likelihood that the benefits of the invention will be readily available to the public at an early date.

(c) If the Board finds a special situation including, but not limited to, a situation identified in § 12-9.6403(c) to exist, and the public interest in the availability of the invention would best be served by the granting of waiver, the Board will, with respect to an identified invention which is not a primary object of a contract, recommend to the Secretary on a case-by-case basis, that waiver of greater rights be granted even though all of the findings of paragraph (b), of this section cannot be made.

§ 12-9.6405 Waiver of foreign rights.

(a) The Board will consider waiver of domestic and foreign rights concurrently, when requested by the petitioner, in accordance with the statement of Government Patent Policy. If the Board finds waiver of domestic rights justified, the petitioner will normally be permitted to secure patents in any country in which he elects to file. The Board may recommend the granting only of foreign rights, in accordance with the Statement of Government Patent Policy, when in the national interests.

(b) The Board will consider separate petitions for waiver of the right to secure a patent in any foreign country. Waiver of foreign rights may be granted for countries in which the Secretary does not desire to file an application for patent.

§ 12-9.6406 Reservations.

(a) Each waiver of domestic or foreign rights granted will be subject to the reservation by the Secretary of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the United States Government or any agency thereof, any foreign government pursuant to any existing or future treaty or agreement with the United States, or any State, or domestic municipal government, unless the Secretary determines, after consideration of the recommendation of the Board, that it would not be in the public interest to acquire the license for the States and municipal governments.

(b) Each waiver of domestic rights granted will be subject to the reservation by the Secretary of the right to require the granting of a nonexclusive or exclusive license for the practice of the invention to any responsible applicant, upon reasonable terms, including the right to require the granting of such a license royalty free:

(1) Unless the waiver recipient, his licensees, or assigns have taken effective steps within three years after a U.S. patent issues on the invention to bring the invention to the point of practical application and thereafter continue to work the invention and make its benefits reasonably accessible to the public; or

(2) Unless within three years after a U.S. patent issues on the invention, the waiver recipient, or his assigns have taken effective steps to make such patent available for licensing to responsible applicants, royalty free or on reasonable terms; or

(3) (i) As may be appropriate to satisfy the requirements which may be made by Governmental regulations for public use of the invention; or

(ii) As may be necessary to fulfill health needs or safety needs; or

(iii) For public purposes set forth in the contract.

(c) Each waiver granted for domestic or foreign rights will be subject to additional conditions which may be imposed by the Secretary.

(d) At the expiration of the time set forth in paragraph (b) (1) and (2) of this section, the waiver recipient will be given an opportunity to show cause before the Board why he should not be required to grant a license under paragraph (b) of this section or why he should otherwise retain the full benefits of waiver for a further period of time.

§ 12-9.6407 License to contractor.

Each contractor reporting an invention will be offered a license on terms at least as favorable as those offered to any other firm that may be offered a license for that invention.

§ 12-9.6408 Voidability of waivers.

(a) Each waiver of domestic rights is voidable and may be voided at the option of the Secretary unless:

(1) Within eight months from the date of reporting an invention under a contract, subject to a waiver granted under § 12-9.6403, or eight months from the date of the granting by the Secretary of a waiver under § 12-9.6404, the waiver recipient causes an application for U.S. Letters Patent to be filed disclosing and claiming the invention and includes within the first paragraph of the specification following the abstract, the following statement:

The invention described herein was made in the course of or under a contract (or grant) with the U.S. Department of Transportation.

(The waiver recipient will promptly furnish to the Board a copy of the U.S. Patent application, its identifying serial number and filing date, and properly executed instruments fully confirmatory of the rights reserved by the Government);

(2) The waiver recipient notifies the Board if he elects not to continue prosecution of a patent application, and delivers to the Board the documents necessary to inspect the application in the U.S. Patent Office within sufficient time to allow assumption of prosecution by the Government, and delivers to the Board duly-executed instruments necessary to vest title in the United States Government, represented by the Secretary, including an instrument of assignment to the patent application.

(3) The waiver recipient grants any license which the Secretary requires under § 12-9.6406.

(4) The waiver recipient files a utilization report with the Board by September 1 of the second year following the grant of the waiver and subsequently upon the Secretary's written request, which request shall not be made more than once annually. The report will set forth in detail the progress, development, application and commercial use being made and intended to be made of the waived invention.

(b) Each waiver granted is voidable and may be voided at the option of the Secretary if a patent claiming such invention is held, in a final determination by an authority properly constituted to hear such matters, to have been used in violation of the antitrust laws.

(c) Waiver of foreign rights as to any foreign country shall be voidable and may be voided at the option of the Secretary unless:

(1) A patent application is filed in the foreign country within nine months from the date a corresponding U.S. application is filed, or six months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons, or such longer periods as may be expressly approved by the Secretary; and

(2) The waiver recipient furnishes promptly to the Board the identifying serial number and filing date of each foreign patent application filed; and, upon request, a copy of the foreign patents or applications; and

(3) The waiver recipient executes and furnishes to the Board instruments fully confirmatory of the rights reserved by the Government; and

(4) The waiver recipient notifies the Board, if he elects not to continue prosecution of any foreign application filed on such invention or if he intends to abandon a foreign patent by the nonpayment of a maintenance tax, within sufficient time to allow assumption of prosecution by the Government, or payment of the maintenance tax, respectively, and delivers to the Board duly executed instruments necessary to vest in United States Government, as a represented by the Secretary, title, including an instrument of assignment.

§ 12-9.6409 Content of petitions.

(a) *Forms.*—Forms for use in filing petitions and utilization reports are available from the Board.

(b) *All petitions for waiver.*—Each petition will be addressed to the Board and will include:

(1) An identification of the petitioner, his place of business and address, and the name and address of petitioner's counsel, if any;

(2) An identification by number and date of the pertinent DOT contract or proposed contract;

(3) A specification of the type of waiver requested and a citation to the section of this regulation under which the petition is submitted; and

(4) The signature of the petitioner or his authorized representative, and date of signature.

(c) *Petitions for Advance Waiver Under § 12–9.6403.*—In addition to the information specified in paragraph (b) of this section, each petition for advance will include:

(1) A copy of the statement of work of the pertinent DOT contract;

(2) A full and detailed statement of facts sufficient to enable the Board to make findings regarding the contract and the petitioner as specified in § 12–9.6403, or a statement explaining exceptional circumstances under § 12–9.6403(b); and

(3) The date of contractor's signing of the contract, if the petition is filed after such signature.

(d) *Petitions for waiver for identified inventions under § 12–9.6404.*—A separate petition shall be submitted for each identified invention. In addition to the information specified in paragraph (b) of this section, each petition will include:

(1) The full names of all inventors;

(2) A statement whether a patent application has been filed on the invention, together with a copy of such application if filed; or, if not filed, a complete description of the invention;

(3) If a patent application has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 120, or a statement that no bar is known to petitioner to exist;

(4) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the invention as specified in § 12–9.6404; and

(5) If the petitioner is the inventor, a statement in writing from the contractor that the contractor has conveyed sufficient rights to enable the petitioner to carry out the obligations of the waiver.

(e) *Petitions for waiver of foreign rights under § 12–9.6405.*—A petition for waiver of foreign rights may accompany and be a part of a petition for waiver of domestic rights under either § 12–9.6403 or § 12–9.6404, or may be submitted independent of a request for domestic rights. In addition to the information specified in paragraph (b) of this section, each petition for waiver of foreign rights will include, where feasible, an identification of the foreign countries in which petitioner intends to file patent applications.

§ 12–9.6410 Submission of petitions.

Petitions for advance waiver of domestic or foreign rights under §§ 12–9.6403 and 12–9.6405 presented prior to contract award must be submitted through the contracting officer to the Board. All other petitions shall be submitted directly to the Board.

§ 12–9.6411 Notice of proposed Board action and reconsideration.

(a) *Notice.*—The Board will consider the petition and notify the petitioner:

(1) That the Board proposes to recommend to the Secretary the petition be:

(i) Granted to the extent requested; or

(ii) Granted to an extent different from that requested; or

(iii) Denied.

(2) Of the reasons for any recommended action different from the waiver of rights requested by the petitioner.

(b) *Request for reconsideration and statements required.*—(1) If the Board notifies the petitioner that the Board proposes to recommend action different from the waiver requested, the petitioner may within such period as the Board may set, but not less than fifteen days, request reconsideration by the Board.

(2) If reconsideration has been requested within the prescribed time limit, the petitioner will, within such time as the Board may set, file a statement setting forth the points, authorities arguments, and any additional material on which he relies.

(3) Upon filing of the reconsideration statement by the petitioner, the petition will be reconsidered based upon the contents of the petition, the record, and the reconsideration statement submitted by the petitioner.

(4) After reconsideration of the petition, the Board will notify the petitioner of its proposed recommendations to the Secretary. If the Board's proposed action is different from the waiver requested, the petitioner may request an oral hearing within such time as the Board may set.

§ 12–9.6412 Hearing procedure.

(a) If the petitioner requests an oral hearing the Board will set the time and place for hearing and will so notify the petitioner.

(b) Oral hearings will be conducted in an informal manner, to provide the petitioner with a full opportunity to present facts and arguments in support of the petition. Evidence may be presented through witnesses, exhibits, or visual aids arranged for by the petitioner. A petitioner may be represented by any authorized person (including an attorney). Proceedings will be ex parte, and members of the Board and its counsel may address questions to witnesses called by the petitioner, and the Board may, at its option, consult or call technical, advisory, or expert witnesses. Any person present at the hearing may make a statement for record.

(c) A transcript of the proceeding will be arranged for by the Board. Petitioner will submit for the record a copy of any exhibit or visual aid offered or utilized during the hearing.

§ 12–9.6413 Findings and recommendations of the Board.

(a) *Findings of the Board.*—The Board will consider the petition, the DOT contract (if relevant), the policies of this part, the effect of the waiver on the objectives of related DOT programs, and any other available facts and information presented to the Board by an interested party. The Board will determine and make, if applicable, each specific finding of fact required by § 12–9.6403, § 12–9.6404, or § 12–9.6405, under which the petition was submitted. The Board shall document its findings in a written report.

(b) *Recommendation of Board.*—(1) After making the findings of fact, the Board will formulate its proposed recommendation to the Secretary.

(2) If the Board proposes to recommend, initially or upon reconsideration, that the petition be granted to the extent requested or, if it proposes to recommend that waiver be granted to a different extent, or denied, and petitioner does not request reconsideration or a hearing, or fails to file the required statements within the prescribed time limit, the Board will transmit the petition, its findings of fact, and its recommendation upon reconsideration if any, to the Secretary.

(3) After hearing, the Board will consider the entire record and transmit its recommendations and findings of fact, with the petition and a summary record of the proceedings to the Secretary.

§ 12–9.6414 Action by the Secretary.

(a) After receiving the transmittal from the Board, the Secretary will determine whether to grant any waiver of rights.

(b) If the Secretary denies the petition, written notice of such denial will be transmitted promptly by the Board to the petitioner. The written notice will be accompanied by the statement of the grounds for denial.

(c) If the Secretary grants the waiver, the petitioner will be furnished an instrument of waiver confirming the conditions and reservations of the waiver for his execution and prompt return to the Board.

§ 12–9.6415 Filing of patent applications.

(a) To protect the interests of the Government and of petitioners in inventions, petitioners are encouraged to file patent applications prior to the final disposition of their petitions for waiver.

(b) If a petitioner files a U.S. patent application on an identified invention while the petition is pending or within 60 days prior to the receipt of the petition by DOT, DOT will reimburse the petitioner for the reasonable costs of filing the U.S. patent application and such patent prosecution as may have ensued, if:

(1) Similar patent filing and prosecution costs are not otherwise reimbursable to the petitioner as direct or indirect costs chargeable to Government contracts; and

(2) The petition is ultimately denied with respect to domestic rights, or if both are requested, to foreign and domestic rights; and

(3) Prior to reimbursement, the petitioner assigns the application to the United States as represented by the Secretary.

Costs of filing patent applications before award of contract are not reimbursable if the petitioner is not awarded the contract.

§ 12-9.6416 Publication.

The findings and recommendations of the Board with respect to each petition for waiver will be maintained by the Board and available for public inspection. Findings and recommendations of the Board in cases of significant or novel interest will be published.

[FR Doc.73-18526 Filed 8-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 526]

[General Order 8, Part 1; Docket No. 73-55]

PORT OF NEW YORK

Uniform Rules and Regulations Governing Free Time on Import Containerized Cargo

The Federal Maritime Commission's General Order No. 8, 46 CFR Part 526, sets forth rules and regulations regarding free time and demurrage on breakbulk import cargo applicable to common carriers by water serving the Port of New York. General Order No. 8 does not apply to containerized cargo. Notice is hereby given that the Federal Maritime Commission is considering amending General Order No. 8 to make the provisions thereof applicable to containerized cargo.

The exclusion of containerized cargo from the provisions of General Order No. 8 results from Docket No. 65-14, "In the Matter of Free Time and Demurrage Practices on Inbound Cargo at New York Harbor," 11 F.M.C. 238 (1967), and Docket No. 659, "Free Time and Demurrage Charges at New York," 3 U.S.M.C. 89 (1948), wherein the Commission held that information available did not indicate the existence of problems regarding free time and demurrage on containerized cargo.

Since those decisions, the volume of containerized cargo moving through the Port of New York has increased enormously resulting in a need for reappraisal of the present application of General Order No. 8.

The matter of free time and demurrage as it relates to containerized cargo became particularly significant following the longshoremen's strike of 1971. Because the specific strike provisions of General Order No. 8 applied only to breakbulk cargo, consignees of containerized cargo as distinguished from their breakbulk counterparts were assessed normal demurrage charges upon expiration of free time.

Additionally, there appears to be no consistency in the free time and demurrage provisions of the many carriers serving the Port of New York. Many carriers have confused free time on containers prior to pickup by the consignee (demurrage free time) with the time allowed the consignee to unload and return the container to the carrier's facility (container detention free time). Several carriers combine the two into a single time period beginning with vessel discharge, during which period the consignee must effectuate pickup, transport the container to its facility, and return the container to the carrier's terminal. It is the Commission's position that container detention time should be distinct from demurrage free time and should begin upon removal of the container from the terminal facility. General Order No. 8 applies only to demurrage free time and this proposed amendment makes no findings as to the sufficiency of the current container detention rules.

After review of effective import and container tariff provisions relating to free time and demurrage and consideration of numerous inquiries from the public concerning the applicability of General Order No. 8, the Commission is of the opinion that the earlier distinction made between containerized cargoes and breakbulk cargoes is no longer valid and a rulemaking proceeding should be instituted to amend General Order No. 8 to make the provisions in that rule applicable to containerized cargoes.

In accordance with the above, General Order No. 8, Part 1, 46 CFR Part 526 would be amended as follows:

A new paragraph (a) will be inserted in § 526.1 to read as set forth below.

Former paragraphs (a) and (b) are combined into a new paragraph (b) with an additional sentence added at the end as follows: "However, free time on cargo in temperature controlled or insulated trailer(s)/container(s) and bulk liquid tank trailer(s)/container(s) shall not be less than two days, Saturdays, Sundays, and holidays excluded." The remaining paragraphs of General Order No. 8 will remain unchanged.

Therefore it is ordered, That the Commission pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 553) and Sections 17, 22, and 43 of the Shipping Act, 1916, (46 U.S.C. 816, 821, and 841(a)) is considering promulgation of the proposed rules set forth below.

It is further ordered, That notice of this order and proposed rules below be published in the FEDERAL REGISTER; and

It is further ordered, That all interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 1, 1973, an original and 15 copies of their views and arguments pertaining to the proposed rules. All suggestions for changes in the text of said proposed rules should be accompanied by the language thought necessary to accomplish the desired change and statements and arguments in support thereof. Hearing Counsel shall reply to said comments on or before October 22, 1973, by serving an original and 15 copies on the Commission and one copy to each party who filed written comments. Answers to Hearing Counsel shall be submitted to the Commission on or before November 1, 1973; and

It is further ordered, That should any such person or Hearing Counsel feel that an evidentiary hearing or oral argument be required, that person shall accompany any such request with a statement setting forth in detail the facts to be proven, their relevance to the issue in this proceeding, and why such proof cannot be submitted through affidavit. An original and 15 copies of such requests shall be filed with the Secretary, Federal Maritime Commission, on or before October 1, 1973; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be published in the FEDERAL REGISTER, and in addition be mailed directly to all persons filing comments in accordance with the procedures enumerated above and all other persons who notify the Secretary, Federal Maritime Commission, of their desire to receive such notice.

By the Commission.

[SEAL] JOSEPH C. POLKING, *Assistant Secretary.*

§ 526.1 Free time and demurrage charges at the port of New York.

(a) (1) For purposes of this section, the words "cargo" and "import property" refer to cargo in containers as well as breakbulk cargo.

(2) Container detention time is to be applied separately from demurrage free time and will commence upon removal of the container from the terminal facility.

(b) (1) Free time of five days (exclusive of Saturdays, Sundays, and legal holidays), computed from the start of business on the first day after complete discharge of the vessel, is adequate free time on import property at New York under present conditions.

(2) Free time on import property at New York shall not be less than five days, except on property of such a special nature as to require earlier removal because of local ordinances or other governmental regulations, or because piers are not equipped to care for such property for such period, or except as the Commission may hereafter direct. However, free time on cargo in temperature controlled or insulated trailer(s)/container(s) and bulk liquid tank trailer(s)/container(s) shall not be less than two days, Saturday, Sundays, and holidays excluded.

(c) Where a carrier is, for any reason, unable, or refuses, to tender cargo for delivery during free time, free time must be extended for a period equal to the duration of the carrier's disability or refusal. If such condition arises after the expiration of free time, either no demurrage or first period demurrage, whichever is specified in the appropriate tariff, will be charged for a period equal to the duration of the carrier's inability or refusal.

(d) Where a consignee is prevented from removing his cargo by factors beyond his control (such as, but not limited to, longshoremen's strikes, trucking strikes, or weather conditions) which affect an entire port area or a substantial portion thereof, and when a consignee is prevented from removing his cargo by a longshoremen's strike which affects only one pier or less than a substantial portion of the port area, carriers shall (after expiration of free time) assess demurrage against imports at the rate applicable to the first demurrage period, for such time as the inability to remove the cargo may continue. Every departure from the regular demurrage charges shall be reported to the Commission.

(e) The Commission makes no finding approving or disapproving demurrage rates presently effective as to import property at the Port of New York.

(f) Following a longshoremen's strike of five (5) days or more:

(1) Free time shall be extended for a period not less than five (5) days (exclusive of Saturdays, Sundays, and legal holidays) beyond the time at which it would normally terminate, for cargo which was in a free time period at the commencement of the longshoremen's strike.

(2) First period demurrage shall be extended for a period not less than five (5) calendar days beyond the time at which it would normally terminate, for cargo which was subject to first period demurrage at the commencement of the longshoremen's strike. The extensions set forth in subparagraphs (1) and (2) of this paragraph, immediately above, shall apply only (i) if the cargo is actually picked up within such extended time, or (ii) if, pursuant to an appointment system adopted by both carriers and consignees, cargo is picked up within twenty-four (24) hours of advance notification that cargo is available for pickup and readily accessible, in which latter event time shall not be extended more than twenty-four (24) hours beyond the additional free time or demurrage period.

[FR Doc.73-18566 Filed 8-30-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

RETAIL MOBILE HOME DEALERS

Small Business Size Standards

For the purpose of receiving financial assistance from the SBA, the size standard applicable to retail dealers of mobile homes is $1 million in sales or receipts.

Recent developments in the mobile home industry indicate that the industry has grown rapidly and that the trend is expected to continue generally upward. In 1971, manufacturers shipped a record total of 496,570 mobile homes with an estimated retail value of $3.0 billion. The 1971 level represents a gain of 24 percent over 1970, a year that exhibited the first decline in shipments in nine years and a gain of 107 percent over the 1967 level (the latest year for Census benchmark data). Shipments of mobile homes in 1971 comprised nearly one-fourth of the nonfarm housing starts and over one-half of single-unit residential construction in the Nation.

Because the industry has expanded to such an extent, the Technical Committee on Standard Industrial Classification, Office of Management and Budget, now recognizes the retail sale of mobile homes as a separate and distinct industry. Heretofore, such dealers were combined with retail dealers of campers, mounted coaches and automobile passenger trailers. To be recognized as a separate industry, the establishments, as a group, must have significance from the standpoint of persons employed, volume of business and of other economic factors such as number of establishments, payroll, and value added.

Maintenance of the $1 million receipt size standard in recent years was based principally on 1967 Census data which indicated that the $1 million standard covered 94 percent of all such dealers, including campers, coaches and automobile trailer dealers. However, because the industry has expanded considerably since 1967 and since retail dealers of mobile homes have been broken out as a separate and distinct industry, the $1 million annual receipts size standard probably covers much less than the percentage reflected by the 1967 Census data. More recent data shows that since 1967 the sales volume for the industry has increased at an annual rate of about 30 percent, while the number of dealers have increased at an average annual rate of approximately 5 percent. Dealers now have to carry numerous brands and have more than one location to remain competitive. Further, a study of 165 financial statements of retail dealers of mobile homes shows that a significant proportion of these concerns have annual sales of nearly $1 million or over.

Accordingly, notice is hereby given that the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding to Schedule D, a $3 million annual receipts size standard for Standard Industrial Classification Code 5271, Mobile Home Dealers to read as follows:

SCHEDULE D—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

Industry, sub-industry code	Industry, sub-industry, or class of products	Annual sales size standards (maximum in millions)
* * *	*	*
5271	Mobile home dealers.	$3.0
* * *	*	*

Interested parties may file with the Small Business Administration by October 1, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans.)

Dated: August 21, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-18415 Filed 8-30-73;8:40 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

REPORTS BY SCHOOLS

Proposed Requirements

The following regulatory change provides that schools should also report any break within a school year if the interval is for a full calendar month or more.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before October 1, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of approval.

In § 21.4203(b), subparagraph (1) is amended to read as follows:

§ 21.4203 Reports by schools; requirements.

* * * * *

(b) *Entrance or reentrance.*—The certification must clearly specify the program objective. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. The authorization will be for the period of enrollment or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis may generally report enrollment for the term, quarter or semester or the complete course to the

expected date of graduation. Certifications for the ordinary school year may include the summer session. Certifications for the complete course will include a report of the dates between school years if the school does not offer a summer session that includes all or a part of each month between the spring and fall term, or the veteran or eligible person does not intend to attend the summer session. Schools should also report any break within a school year if the interval is for a full calendar month or more. No allowances are payable for these intervals. Enrollment certifications for the complete course are encouraged, except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter or semester.

* * * * *

Approved August 24, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-18528 Filed 8-30-73;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

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Allison, Ivan D., 1002 Front Avenue, St. Paul, Minnesota, convicted on October 10, 1968, in District Court, 2nd Judicial District, Ramsey County, Minnesota.

Baker, Donna J., Walters, Route 2, Box 1158, Christiansburg, Virginia, convicted on January 7, 1970, in Pulaski Circuit Court, Pulaski County, Virginia.

Bauccio, William, 509 17th Street, Brooklyn, New York, convicted on February 18, 1947, January 17, 1952, and on June 30, 1958, by the King County Criminal Court, New York.

Borst, Timothy James, 719 Grove Street, Oshkosh, Wisconsin, convicted on July 30, 1971, in Winnebago County Court, Branch II, Oshkosh, Wisconsin.

Engelking, Donald L., Jr., 3320 E. 36th Court, Des Moines, Iowa, convicted on February 7, 1969, in District Court, Ida County, Iowa.

Grohs, Thomas H., 10138 Southeast Rex, Portland, Oregon, convicted on June 17, 1970, in Circuit Court of the State of Oregon for Multnomah County.

Herron, Richard L., 3125 Mariposa, Fresno, California, convicted on September 16, 1966, by the Superior Court in and for the County of Los Angeles, California, and on October 3, 1968, by the Superior Court of San Joaquin, Stockton, California.

Hines, Thomas E., Route 3, Box 149, Elkton, Virginia, convicted on November 17, 1964, and December 19, 1966, in Rockingham County Circuit Court, Harrisonburg, Virginia, and on November 1, 1967, in Augusta County Circuit Court, Staunton, Virginia.

Jolly, Wayne T., 915½ North Harvey, Oklahoma City, Oklahoma, convicted on February 28, 1967, in the 7th District Court, State of Oklahoma.

Latham, Darrell L., 2073 North Columbia, Springfield, Missouri, convicted on November 19, 1965, in Circuit Court, Greene County, Missouri, Division No. 1.

Lentz, Loran T., R.R. No. 1, Birchwood, Wisconsin, convicted on December 11, 1969, in United States District Court, Southern District, Illinois.

Miller, George, 200-A Putnam Avenue, Brooklyn, New York, convicted on May 6, 1954, in Kings County Criminal Court, New York.

Rinkel, Robert William, 1908 Fourth Avenue, Mankato, Minnesota, convicted on November 29, 1971, in the 5th Judicial District Court, County of Blue Earth, Mankato, Minnesota.

Wiegers, Lyle, Vesta, Minnesota, convicted on March 30, 1968, in the District Court, 9th Judicial District, Lyon County, Minnesota.

Young, Thomas H., 4728 Quinwood Lane, Virginia Beach, Virginia, convicted on December 17, 1970, in Virginia Beach Circuit Court, Virginia.

Signed at Washington, D.C. this 24th day of August, 1973.

[SEAL] REX D. DAVIS,
Director Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-18521 Filed 8-30-73;8:45 am]

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Barnum, Eugene J., P.O. Box 454, Lake Havasu City, Arizona, convicted on September 19, 1938, in Superior Court, Maricopa County, Arizona, on November 3, 1943, in a General Court-Martial convened by Commanding General Ninth Service Command, Fort Douglas, Utah, and on October 21, 1948, in Husting Court, Part II, Richmond, Virginia.

Deiro, John LeRoy, Route 15, Box 65, Olympia, Washington, convicted on July 22, 1966, in the Superior Court for the State of Washington for the County of King.

Evans, Joseph R., 409 North 23d Street, Richmond, Virginia, convicted on June 25, 1968, in Hustings Court, Part One, Richmond, Virginia.

Fairchild, Ralph L., Route 6, Box 325, Eight Mile, Alabama, convicted on October 22, 1965, in United States District Court, Southern District, Alabama.

Fuson, Ernest L., Route No. 2, Pineville, Kentucky, convicted on November 12, 1951, in United States District Court, London, Kentucky.

Pritchard, Warren F., 1911 East 40th Avenue, Spokane, Washington, convicted on or about May 21, 1945, in Circuit Court, Klamath County, Oregon.

Schiefelbein, Frederick T., 988½ South Fifth Street, Coos Bay, Oregon, convicted on April 1, 1970, in Circuit Court, Coos County, Oregon.

Shipley, Robert Lynn, R.F.D., Box 135-H, Yamhill, Oregon, convicted on December 1, 1959, in Circuit Court, State of Oregon for County of Yamhill.

West, Earl C., 1125 Polk, Apartment 28, Topeka, Kansas, convicted on March 7, 1960, in the District Court of Shawnee County, Kansas.

Signed at Washington, D.C., this 22nd day of August, 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-18520 Filed 8-30-73;8:45 am]

[T.D. ORDER NO. 150-83]

Office of the Secretary

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority to Act as Competent or Taxation Authority Under Tax Treaties

The purpose of this order is to formalize the authority of the Commissioner of Internal Revenue with respect to acting as the competent authority or taxation authority under tax treaties with foreign countries.

The authority conferred upon the Secretary of the Treasury in all tax treaties to act as the competent authority or taxation authority is hereby delegated to the Commissioner of Internal Revenue, with the right to redelegate such authority to any officer or employee of the Internal Revenue Service.

To the extent that any action heretofore taken by the Commissioner of Internal Revenue or his delegate consistent with the delegation set forth in the preceding paragraph may require ratification, such action is hereby affirmed and ratified.

Dated August 21, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-18522 Filed 8-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

AUGUST 23, 1973.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 7:30 p.m., September 19 and at 8 a.m., September 20 and 21, 1973, at the Ramada Inn motel, Casper, Wyoming. The agenda will include discussions of the national resource lands in relation to energy mineral development in the Powder River Basin, a tour of energy minerals operations sites in the Glenrock area, and discussions of the district reorganization study.

Some of the minerals operations sites to be toured are the private property of the companies to which the government can not guarantee entrance by the public.

The meeting will be open to the public insofar as seating is available. Interested persons will be permitted to appear before the board or file a written statement for its consideration. Those wishing to appear before the board must inform the chairman in writing prior to the meeting. Written statements and requests to appear before the board should be submitted to Howard E. Miller, Chairman, c/o State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001.

JESSE R. LOWE,
Acting State Director.

[FR Doc.73-18498 Filed 8-30-73;8:45 am]

Bureau of Reclamation

HAYDEN-AULT 345-KV TRANSMISSION LINE & AULT SUBSTATION

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Hayden-Ault 345-kV Transmission Line & Ault Substation. This statement (INT DES 73-53 dated August 21, 1973) was made available to the public on August 21, 1973.

The draft environmental statement deals with the construction of a proposed 160 mile long, joint-use 345-kV transmission line in northern Colorado and southern Wyoming, together with the proposed Ault Substation near Ault, Colorado. Construction is scheduled to begin in 1974 and to be completed in 1977.

A public hearing will be held in the Albany County Courthouse, Laramie, Wyoming, on October 2 and 3, 1973, starting at 9 a.m. and in the Larimer County Courthouse in Fort Collins, Colorado, on October 4 and 5, 1973, starting at 9 a.m. to receive views and comments from interested organizations or individuals relating to the environmental impacts of this line. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to September 25, 1973, and any subsequent requests will be handled on a first-come, first-served basis following the scheduled presentation.

Organizations or individuals desiring to present their statement at the hearing should contact Regional Director James M. Ingles, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303)234-4441, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be sent on or before October 19, 1973, so that they can be included in the hearing record.

Dated August 28, 1973.

WARREN FAIRCHILD,
Commissioner,
Bureau of Reclamation.

[FR Doc.73-18565 Filed 8-30-73;8:45 am]

Office of the Secretary

KALISPEL INDIAN RESERVATION

Notice of Change of Jurisdiction

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant to the Secretary for Indian Affairs in Amendment 2 to Secretarial Order 2950. Pursuant to Resolution 73-23 enacted by the Kalispel Business Committee, and subsequently affirmed in Resolution 1973-12 enacted by the Spokane Tribal Council, the Kalispel Indian Reservation is transferred from the jurisdiction of the Northern Idaho Agency, Lapwai, Idaho, to the jurisdiction of the Spokane Agency, Wellpinit, Washington.

This transfer is effective July 1, 1973.

W. L. ROGERS,
Deputy Assistant
Secretary of the Interior.

AUGUST 24, 1973.

[FR Doc.73-18493 Filed 8-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Battle Creek, Michigan, Inspection Point

Statement of considerations.—James P. Magers has requested that his designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official grain inspection agency at Battle Creek, Michigan, be transferred to J. P. Magers, Inc., with ownership by Kenneth R. Hagleshaw.

Other interested persons are hereby also given opportunity to make application pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the Act to operate as an official inspection agency at Battle Creek, Michigan.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Battle Creek, Michigan. All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than September 30, 1973. All materials submitted 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)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 28, 1973.

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

[FR Doc.73-18563 Filed 8-30-73;8:45 am]

GRAIN STANDARDS

Illinois Grain Inspection Points

Statement of considerations.—The Champaign-Danville Grain Inspection Departments (also doing business as the Champaign Chamber of Commerce and the Danville Chamber of Commerce) have formed a corporation, and have requested that their designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official grain inspection agency at Champaign and Danville, Illinois, be transferred to the Champaign-Danville Grain Inspection Departments, Inc., with ownership by Charles H. Cratz and Thomas C. King.

Other interested persons are hereby also given opportunity to make application pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the Act to operate as an official inspection agency at Champaign and Danville, Illinois.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Champaign and Danville, Illinois. All such views or comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted shall be in duplicate and shall be mailed to the Hearing Clerk not later than September 30, 1973. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)). Consideration will be given to all written views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 28, 1973.

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

[FR Doc.73-18564 Filed 8-30-73;8:45 am]

GRAIN STANDARDS

Texas Inspection Point

Statement of considerations.—Tulia, Texas, is assigned to the Plainview Grain Inspection and Weighing Service, Inc., Plainview, Texas, as a designated inspection point, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended 82 Stat. 762 (7 U.S.C. 75(m))). By definition, a designated inspection point is a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency or one or more of its licensed inspectors is located (7 CFR 26.1 (b)(13)). Because of the low volume of grain inspection work at Tulia and the feasibility of meeting inspection needs from Happy, Texas (another designated inspection point assigned to the Plainview Grain Inspection and Weighing Service, Inc.), the Plainview Grain Inspection and Weighing Service, Inc., has requested that the assignment of Tulia as a designated inspection point be revoked.

It appears that through no fault of the Plainview Grain Inspection and Weighing Service, Inc., the volume of grain inspection work no longer warrants stationing a licensed inspector at Tulia. Accordingly the Agricultural Marketing Service proposes to revoke the assignment of Tulia as a designated inspection point without prejudice to the Plainview Grain Inspection and Weighing Service, Inc. Interested organizations and persons are hereby given opportunity to submit comments in writing with respect to the proposed revocation.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than September 30, 1973. All 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)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on August 28, 1973.

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

[FR Doc.73-18562 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Pub. L. 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Thursday, September 13, 1973, 10:00 a.m. to 6:00 p.m., and Friday, September 14, 1973, 9:00 a.m. to 1:00 p.m., local time, at the Statler Hilton Hotel, Sixteenth Street between K and L Streets NW, Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Pub. L. 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of Federal policies on evaluation, and educational manpower forecasting. Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111-20th Street NW, Room 308, Washington, D.C. 20036.

Signed at Washington, D.C., on August 28, 1973.

JOSEPH YOUNG,
Executive Director.

[FR Doc.73-18523 Filed 8-30-73;8:45 am]

TRAINING GRANTS

Notice of Closing Dates for Receipt of Applications

Pursuant to the authority contained in sections 631 and 634 of the Education of the Handicapped Act (84 Stat. 175, 184, 185, 20 U.S.C. 1431, 1434) notice is hereby given that the U.S. Commissioner of Education has established the final closing date of October 1, 1973, for receipt of applications for new training grants and October 15, 1973, for receipt of applications for continuation grants under Part D of the Act by institutions of higher education. Such applications must be postmarked on or before the aforementioned dates.

A notice of proposed rulemaking governing grants for teacher training, authorized under Part D of the Act, will soon be published in the FEDERAL REGISTER and will govern the program when republished in the FEDERAL REGISTER as final regulations.

(Catalog of Federal Domestic Assistance Program No. 13.448 Handicapped Physical Education and Recreation Training and No. 13.451 Handicapped Teacher Education)

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

AUGUST 28, 1973.

[FR Doc.73-18589 Filed 8-30-73;8:45 am]

National Institute of Mental Health

ADVISORY COMMITTEES

Notice of Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the following action by the Secretary, DHEW:

Extending the life of the following advisory committees of the National Institute of Mental Health on June 30, 1973:

Clinical Projects Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for research grants involving the causation of mental illnesses, diagnosis and treatment (except by drugs) and studies of the symptoms and disturbances of biological and psychological functions. Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Clinical Psychopharmacology Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding research grant applications in the area of clinical drug evaluation, collaborative studies comparing treatments

and special studies designed to improve research methodology or to gain clinical research information. The area of concern also includes toxicology, patterns of drug usage in normals and medical outpatients, and public health problems related to the use of psychopharmacologic agents.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Experimental and Special Training Review Committee. The function of this committee is to advise the Division of Manpower and Training Programs, NIMH, the Director, NIMH, and the National Advisory Mental Health Council regarding applications from training centers for grants-in-aid for projects for development of methods of training; development of special training programs in significant mental health problem areas; expansion and improvement of mental health content of the curriculum for all students in schools of public health; training activities such as conferences, institutes, workshops, demonstrations, and surveys; and evaluation of teaching and training methods in the mental health disciplines.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Juvenile Problems Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for applied research grants in such project areas as children and youth problems, school and college mental health, and primary prevention of maladjustive behavior.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Mental Health Small Grant Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for research grants limited to one year and to a maximum of $6,000 for direct costs.

Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Personality and Cognition Research Review Committee. The function of this committee is to advise the Director, NIMH, the Division of Extramural Research Programs, NIMH, and the National Advisory Mental Health Council regarding applications for research grants in the areas of personality, human motivation, and cognitive processes. These include research on personality structure and dynamics, personality development, perception-personality relationships, and interpersonal relations, in addition to human problem solving, thinking, intelligence, decision making, concept formation, creativity, psycholinguistics. Authority for this committee will expire June 30, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

ROBERT S. STONE,
Director, NIH.

AUGUST 26, 1973.

[FR Doc.73-18519 Filed 8-30-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-250]

OFFICE OF GENERAL COUNSEL

Designation and Redelegation

SECTION A. *Designation.*—Deputy General Counsel Robert R. Elliott, Assistant General Counsel Paul R. Boesch and the Regional Counsels are designated Deputy Counselors to give advice and guidance to current and prospective employees and special Government employees with respect to matters involving conflicts of interest and other matters pursuant to 24 CFR Part 0.

SEC. B. *Authority redelegated.*—The Deputy Counselors Robert R. Elliott and Paul R. Boesch are each authorized to exercise the power and authority of the Secretary of Housing and Urban Development under section 208(b) of Title 18 of the United States Code, as implemented by § 0.735-205(b)(2) of the Department's Standards of Conduct, with respect to determining whether the financial interest of a Government officer or employee is so substantial as to be deemed likely to affect the integrity of the services which the Department may expect from such officer or employee.

SEC. C. *Supersedure.*—This redelegation supersedes the redelegation of authority issued May 19, 1971 (unpublished). (24 CFR 0.735-104)

Effective date.—This document is effective as of August 24, 1973.

JAMES L. MITCHELL,
Department Counselor.

[FR Doc.73-18532 Filed 8-30-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-450, 50-451]

DELMARVA POWER & LIGHT CO. AND PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware 19899 and Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101 (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on August 16, 1973, for authorization to construct and operate two generating units utilizing high temperature gas-cooled reactors. The application was tendered on April 30, 1973. Following a preliminary review for completeness, it was accepted on June 15, 1973.

The proposed nuclear facilities, designated by the applicants as the Summit Power Station, Units 1 and 2 will be located on a site in New Castle County, Delaware, approximately 1.2 miles south of the Chesapeake and Delaware Canal, 5 miles northeast of Middletown, Delaware and 15 miles southwest of Wilmington, Delaware. Each reactor is designed for initial operation at approximately 2,000 megawatts thermal, with a net electrical output of approximately 785 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 October 30, 1973. The request should be filed in connection with Dockets Nos. 50-450-A and 50-451-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 Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711.

The applicants 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, an environmental report dated April 1973. Following a preliminary review for completeness, it was rejected on June 15, 1973 for lack of sufficient information. The applicants submitted a supplement to the environmental report on July 30, 1973 and the report was accepted. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Summit Power Station, Units 1 and 2 is also being made available at the Delaware State Planning Office, Tomas Collins Building, 530 South Dupont Highway, Dover, Delaware 19901 and at the Wilmington Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Delaware 19808.

state-and

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the

draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 20th day of August 1973.

For the Atomic Energy Commission.

DARRELL G. EISENHUT,
Acting Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.73-18380 Filed 8-30-73;8:45 am]

[Docket Nos. 50-450, 50-451]

DELMARVA POWER & LIGHT CO. AND PHILADELPHIA ELECTRIC CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Delmarva Power & Light Company and the Philadelphia Electric Company (the applicants), for construction permits for two high temperature gas-cooled nuclear reactors designated as the Summit Power Station, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 2,000 thermal megawatts with a net electrical output of approximately 785 megawatts. The proposed facilities are to be located in New Castle County, Delaware, about 1.2 miles south of the Chesapeake and Delaware Canal, 5 miles northeast of Middletown, Delaware and 15 miles southwest of Wilmington, Delaware. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Robert F. Holton, Mr. Frederick J. Shon, and Thomas W. Reilly, Esq., Chairman. Dr. Richard F. Cole has been designated as a technically qualified alternate, and Douglas V. Rigler, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants:

Issues Pursuant to the Atomic Energy Act of 1954, as amended.—1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA).—5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matter specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceedings with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated April 30, 1973, and amendments thereto, and the applicants' Environmental Report and Environmental Report Supplement dated April, 1973 and July, 1973, respectively, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711 for inspection by members of the public between the hours of 10:00 a.m. and 9:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m. on Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on

Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than October 1, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 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 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 October 1, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants not later than September 20, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition or request for limited appearance 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 George C. Freeman, Esq., Hunton, Williams, Gay and Gibson, 700 East Main Street, Richmond, Virginia 23213, attorney for the applicants.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 24th day of August 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-18377 Filed 8-30-73;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

Potomac Electric Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on August 9, 1973 for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors. The application was tendered on July 2, 1973. Following a preliminary review for completeness, it was found acceptable for docketing on August 6, 1973.

The proposed nuclear facilities, designated by the applicant as the Douglas Point Nuclear Generating Station, Units 1 & 2 are located on the east bank of the Potomac River, about 30 miles south-southwest of Washington, D.C., in Charles County, Maryland and are designed for initial operation at approximately 3,579 megawatts (thermal), with a net electrical output of approximately 1,178 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 October 30, 1973. The request should be filed in connection with Dockets Nos. 50-448-A & 50-449-A.

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, an environmental report dated August 8, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations relative to the proposed construction of the Douglas Point Nuclear Generating Station, Units 1 and 2, is also being made available at the Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201, and at the Metropolitan Washington Council of Governments, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on

the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 14th day of August 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1, Directorate of Licensing.

[FR Doc.73-18379 Filed 8-30-73;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, Rules of Practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Potomac Electric Power Company (the applicant), for constrution permits for two boiling water nuclear reactors designated as the Douglas Point Nuclear Generating Station (the facilities), each of which is designed for initial operation at approximately 3,579 thermal megawatts with a net electrical output of approximately 1,178 megawatts. The proposed facilities are to be located on the east bank of the Potomac River, about 30 miles south-southwest of Washington, D.C., in Charles County, Maryland. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Panel, consisting of Glenn O. Bright, Dr. Richard F. Cole, and Elizabeth S. Bowers, Esq., chairman. Dr. Walter H. Jordan has been designated as a technically qualified alternate, and Robert M. Lazo, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues Pursuant to the Atomic Energy Act of 1954, as amended.—1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA).—5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purposes of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated August 8, 1973, and amendments thereto, and the applicant's Environmental Report dated August 8, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Charles County Public Library, Garrett and Charles Streets, La Plata, Maryland 20646 for inspection by members of the public between the hours of 9:00 a.m. and 8:00 p.m. Monday through Thursday and from 9:00 a.m. to 5:00 p.m. on Friday. As they become availabe, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statement on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available,

by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than October 1, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 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, financal, 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 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 October 1, 1973. A copy of the petition for leave to intervene shall be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to George Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 910 17th Street NW., Washington, D.C. 20006, attorney for the applicant. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the right to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than September 20, 1973.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to 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 NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 24th day of August 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-18376 Filed 8-30-73;8:45 am]

[Docket Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice and Order for Prehearing Conference

In the matter of Public Service Electric and Gas Co. (Salem Nuclear Generating Station, Units 1 and 2).

Take notice that, pursuant to the Atomic Energy Commission's "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" dated October 6, 1972, the Atomic Safety and Licensing Board will hold a special prehearing conference in this proceeding on September 7, 1973, at 10 a.m., local time, at the City Council Chambers, Public Building, 3d Floor, 10th and King Streets, Wilmington, Del. The purposes of this special prehearing conference are to: (1) Permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider petitions for intervention in the proceeding; and (4) establish a schedule for further actions in the proceeding. In addition to the purposes specified above, the prehearing conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR 2.752) as may be appropriate.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the proceeding by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

It is ordered, That counsel for the Applicant, the Regulatory Staff of the Commission, and any petitioners for intervention conduct such informal conferences, including telephone conferences to the extent they may be practicable, to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Issued at Washington, D.C., this 29th day of August, 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.73-18676 Filed 8-30-73;10:39 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25827]

AIR TRAFFIC CONFERENCE OF AMERICA

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of August, 1973.

The members of the Air Traffic Conference of America (ATC) have filed under section 412 of the Federal Aviation Act of 1958, as amended, (the Act) the following agreement entitled "Public Air-Ground Telephone Service,"[1]

"Resolved that:

1. In view of the recommendations of the Air Lines Communications Administrative Council, no member shall install, permit the installation of, or maintain, public air-to-ground telephone facilities in aircraft operated by it which are used in its own or certificated scheduled service.

2. The Executive Secretary shall arrange with ALCAC and/or other appropriate industry technical experts, to advise him from time to time of any new technological developments which might indicate the desirability of Conference review or modification

[1] The agreement was filed May 22, 1963 to become effective June 9, 1963.

of this resolution, and the Executive Secretary shall periodically report to the Conference with respect to the advice he has so received."

The recommendations referred to in the resolution were the result of a report submitted concerning public air-ground telephone service. The report was based on a study undertaken in 1962 by the Air Lines Communications Administrative Council (ALCAC)[2] with the cooperation of the Aeronautical Radio, Inc. (ARINC). Under actual operating conditions, using four aircraft which operated between Chicago and the East Coast, it was found that the service was feasible and that passenger reaction was generally favorable. The experiment did, however, reveal that certain technical inadequacies could be expected due to insufficient ground facilities and limitations of the radio frequencies available for this purpose.

ALCAC concluded that any extensive program to install and use the existing equipment would be a waste of money and inevitably result in passenger dissatisfaction due to continually busy circuits.[3] ALCAC estimated that it would be at least three years before airborne and ground equipment could be re-engineered and converted to meet airline industry standards.

The joint refusal of the carriers to participate in the development, for airline use, of what may be a practical and useful public service is, in our view, prima facie adverse to the public interest. No action has been taken by the carriers nor by the Executive Secretary of ATC since March 1965 to determine if new technological developments may justify modification or termination of the resolution. Whatever technological difficulties may have been involved in expanding the utilization of the available radio frequencies and the geographical augmentation of ground facilities, it does not appear that meaningful progress in their solution can be achieved without some evidence of interest in the project by the airlines and ATC. It has been the past policy of the Board that agreements with objectionable features or methods of administration should not be approved unless there is a clear showing that the agreement is required by a serious transportation need or in order to secure important public benefits.[4] Under the circumstances of this case, no showing has, as yet, been made and approval cannot be justified.

In view of the foregoing, the Board tentatively concludes that ATC Resolution 10.55 (Agreement CAB 17117) should be disapproved as being inconsistent with the public interest. Our action herein should not be interpreted as favoring the installation of air-ground telephone facilities regardless of the technical problems involved. Rather it is predicated on the belief that a restrictive agreement such as this, which prohibits the members of ATC from taking any part in the solution of such problems, is adverse to the public interest. Following past procedures utilized by the Board,[5] interested persons will be given opportunity to show cause why the tentative findings and conclusions reached herein should not be adopted. We anticipate that such persons will support their objections with specific information illustrating where action has been taken with respect to the subject matter.

Accordingly, It Is Ordered, That:

1. All interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions herein, and issue an order which would disapprove the agreement pursuant to section 412(b) of the Act;

2. Any person supporting or having objection to the issuance of an order making final the proposed findings and conclusions set forth herein shall file such comments with the Board within twenty-eight days of the date hereof;[6]

3. This order shall be served on the applicants; each air carrier holding a certificate of public convenience and necessity; the Air Lines Communications Administrative Council (ALCAC); Aeronautical Radio, Inc. (ARINC); the Radio Technical Commission for Aeronautics (RTCA); the ATA Operation Department; the Departments of Justice and Transportation; the Federal Communications Commission; the National Passenger Traffic Association; and

4. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary*.

[FR Doc.73-18573 Filed 8-30-73;8:45 am]

[Docket No. 25424]

GATEWAY AVIATION LIMITED

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding previously scheduled for September 13, 1973 (38 FR 22179), is hereby postponed until September 21, 1973, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., August 27, 1973.

[SEAL] RICHARD M. HARTSOCK, *Administrative Law Judge*.

[FR Doc.73-18572 Filed 8-30-73;8:45 am]

[Docket No. 23333]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of August, 1973.

By Order 73-5-38 dated May 8, 1973 procedural dates were established for the receipt of justification, comments, and responses regarding an agreement of the International Air Transport Association (IATA) for the establishment of North/Central Pacific cargo rates through September 30, 1973.[1] Numerous responses from interested persons and parties have been received, and the matter is now ready for the Board's decision.

The agreement before us is in many respects similar to a previous IATA agreement which attempted to close the open-rate situation which has existed in respect to North/Central Pacific cargo rates since October 1971. In Order 72-6-138 of June 29, 1972, the Board disapproved the proposed increases in minimum charges, general cargo rates, and directional rates for specific commodities in containers.[2] The Board approved increases in bulk specific commodity rates and adjustments in bulk unitization charges, but applied a condition to stipulate that specific commodity rates for any U.S. point could not be higher for another U.S. point having an intermediate position relative to the shortest operated mileages.

The instant agreement would increase general cargo rates between the United States, and the Far East by approximately three percent, while specific commodity rates which are being retained would be increased by amounts ranging up to 34 percent.[3] The highest increases in commodity rates occur for items where, as a result of open-rate filings by individual carriers, the presently effective rate is considerably lower than the previous IATA-agreed rate. The resolution governing unit load devices and the attendant bulk unitization charges would be amended to bring the North/Central Pacific into conformance with practice in other world areas. In this connection pivot weights, minimum charges, and over-pivot rates would be reduced. Rates for shipments exceeding the present

---

[2] ALCAC is composed of communications officials of all scheduled U.S. carriers.

[3] The airborne equipment and installation costs were estimated at approximately $5,000 per aircraft.

[4] *Cf. IATA Credit Agreement Case*, 30 CAB 1553 (1960).

[5] Cf. Seaboard and Western Air Lines, Inc., Order E-15891, October 7, 1960; Eastern-Caribair, Order 70-11-26, November 5, 1970.

[6] Such comments shall comply with the requirements of the Board's Procedural Regulations, 14 CFR Part 302.

[1] The Mexico City Worldwide Cargo Conference has adopted a new North/Central Pacific cargo rate agreement intended for effectiveness from October 1, 1973 through September 30, 1975. The agreement will be subject to Board procedures to be outlined by future order.

[2] The Board stated that these directional rates involved a substantial rate advantage for inbound shipments for which no adequate justification had been provided.

[3] Increases would be substantially higher for specific commodity rates proposed to be canceled, since the appropriate general cargo rate would then apply.

pivot weight would be increased ranging from two to five percent.[4]

The agreement additionally provides for an across-the-board increase of five percent in all rates and charges for U.S.-originating shipments to account for the recent devaluation of the U.S. dollar.[5]

Statements of justification in support of the agreement have been received from Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), The Flying Tiger Line Inc. (Tigers), and Northwest Airlines, Inc. (Northwest). The carriers have provided forecasts of traffic, revenue, and return on investment in all-cargo service for the coming year under the existing and proposed rates. We have adjusted the carrier forecasts, outlined in Appendix D, to include the five-percent currency adjustment where it was omitted in the profit-loss statements. The carriers point out that an open-rate situation has existed on the North/Central Pacific since October 1971; that numerous uneconomic tariff filings since then have diluted yields, revenues and rates of return accordingly; that the proposed rates represent moderate increases over the previous IATA rates agreed upon in 1969 at Athens; that many of the increases as previously proposed were approved by the Board in Order 72-6-138; and that the five-percent currency adjustment due to dollar devaluation is needed to offset revenue losses of foreign-flag carriers operating to/from the United States as well as increased costs in terms of local currencies incurred by the U.S. carriers for their operations abroad.

Tigers has also offered justification in support of certain elements of the agreement which were previously disapproved by the Board in Order 72-6-138. Tigers supports the incorporation of directional rates for certain specific commodities in containers under Resolution 590x, and points out that the lower, eastbound rates were initially introduced during the open-rate period to attract to scheduled service traffic moving on cargo charters which were originally the byproduct of westbound one-way MAC charters. Tigers contends that the proposed rates are significantly higher than present charter rates and that the carriers are endeavoring to bring the rates into line with other commodity rates as soon as possible. Corresponding rates have not been maintained for westbound traffic in order to avoid introduction into the westbound direction of an undesirable rate development which is gradually being phased out for eastbound traffic. The carrier points out that the Board has previously approved other directional transpacific rates for bulk specific commodities, and alleges that the Board has generally permitted directional rates which have been adequately justified. Tigers also believes the Board should stay the effectiveness of the condition it placed upon specific commodity rates for intermediate points until September 30, 1973, anticipating that an acceptable solution will have been worked out at the Mexico City conference.

Comments and objections to the agreement have been received from Bud Antle, Inc. (Antle); Fairchild Semiconductor (Fairchild); Radio Corporation of America (RCA); and General Instrument Corporation (GIC).

Antle complains against the proposed specific commodity rate for Item 0007N (Fresh fruits and vegetables, nonpriority carriage) from Los Angeles to Hong Kong. Antle alleges that the new rate is substantially higher than the rates it is presently using to ship lettuce to Hong Kong and would impose such severe increases (up to 61 percent) that the traffic would transfer to surface transport. Antle also contends that the general five-percent currency surcharge on U.S.-originating shipments is unjustified since the devaluation has not affected the carriers' revenue positions and there is no showing that the costs of the U.S. carriers' operations overseas have increased significantly.

Fairchild, RCA and GIC complain against the directional specific commodity rates proposed under Resolutions 590 and 590x for certain electronic components between the United States and the Far East. Elimination of the low westbound rates on these items, the complainants contend, would impose such severe increases in shipping costs as to seriously undermine their competitive positions vis-a-vis their foreign competitors, who would be advantaged by rates which will still remain significantly lower for the same items shipped in the opposite, eastbound direction.

Specifically, Fairchild opposes the rates proposed for specific commodity Item 4435 (Electronic tubes, transistors and solid state semiconductor devices) from San Francisco to the Far East, alleging the proposal would effect increases of up to 34 percent over the present rates and induce a reversion to surface transport if Fairchild is to remain competitive. Fairchild also states that the proposed rates from the West Coast to the Far East for a more generic specific commodity, Item 4416 (Automobile radios, electrical appliances, electronic tubes and semiconductors) are substantially higher than corresponding eastbound rates under the same or similar commodity classifications and therefore discriminate against westbound traffic. RCA also complains of the proposed elimination of certain westbound rates which would accentuate the directional differentials, and opposes the proposed container rates for Item 4506 (T.V. tuners and parts) which would be available from Taipei to Chicago only in the eastbound direction. GIC raises the same objections to the Item 4506 rates as RCA, and additionally contends that they will reduce carrier revenue through traffic loss.

Tigers and TWA have each filed consolidated answers to the complaints. With reference to the complaints of Fairchild, RCA and GIC, Tigers points out that each of the complainants will still be benefited by specific commodity and container rates. Elaborating the points raised in their justification, Tigers contends that the new westbound rates incorporate only modest increases (averaging upwards of five percent) over the rates embodied in the previous Board-approved IATA agreement which expired in October 1971. Tigers further alleges that the complainants were using the old IATA-agreed rates before the present open-rate period, and that only recently have these shippers enjoyed the fortuitous rate cuts which should not form the basis for long-range production and marketing decisions. Tigers alleges that the carriers' policy is to gradually raise the eastbound rates, now proposed at levels about 57 percent above the charter rates, fully consistent with the Board's policy of encouraging increases in discount rates no longer considered promotional.

In answer to Antle's complaint, Tigers points out that during the open-rate period they worked closely with Antle to analyze the market potential for fresh produce and through promotional commodity rates succeeded in creating a new scheduled service market for perishables. Most other carriers were not, however, convinced of the generative effect of these rates, and refused to incorporate them in the agreement. Tigers claims that they have now succeeded in securing adoption of their rates at the Mexico City Cargo Conference and that an appropriate agreement will be filed for early August 1, 1973, effectiveness.[6]

TWA, in its consolidated answer to the complaints, asserts that the complainants are endeavoring to maintain unreasonably low rates which were the result of destructive competitive practices during the open-rate period, and that only moderate increases over the previous IATA-agreed rates are involved.

Fairchild, GIC and Antle have filed answers to the carrier justifications. Fairchild cites the carriers' projected load factors, and contends that the carriers are in fact offering excess capacity when they should be concentrating on increasing traffic to achieve better load factors. Fairchild alleges that increased traffic would more than offset any dilution in revenue due to lower yields. Fairchild asserts that the goods they typically ship possess such inherent advantages in density, packaging and handling characteristics, and carrier costs, as to justify lower rates than most commodities. GIC reiterates the points raised in their complaint, and contends further that rates should be justified on their own merits as regards carrier costs.

---

[4] In general, the rating concept of the bulk unitization program provides for point-to-point charges to apply regardless of the commodities being shipped (except for valuable and restricted articles). A fixed charge applies up to a specified pivot weight, above which the excess weight is charged at a specified rate per kilogram. (See Appendix C)

[5] Comparisons of present and proposed rates and charges, with and without currency adjustments, are presented in Appendices A, B, and C.

[6] Such an agreement was received by the Board on June 19, 1973.

and packaging and handling characteristics for the commodities transported, rather than on the basis of comparisons with rates in effect at any given point in the past. In addition to points raised in their complaint, Antle claims that no previously existing rates, or carrier cost data in North/Central Pacific service, relate directly to the cost characteristics of fresh fruits and vegetables, and accordingly the carriers' submissions on general costs for all goods provide no basis for an unreasonably high rate on this particular commodity. Antle also quotes Tigers' contention in its consolidated answer to the complaints that the low open-rate levels for lettuce were in fact developing new traffic. Finally, Antle states that if Tigers is correct in its assertion that the Mexico conference has agreed to reintroduce the rates effective August 1, the Board should not permit a gap in the continued availability of these promotional rates.

As indicated above, the carriers have submitted detailed forecasts of the effects of the proposed changes upon their earnings positions in North/Central Pacific all-cargo service.[7] Pan American forecasts an increase in freight revenue of $1.1 million, or 5.8 percent, for the year ending April 30, 1974 absent the currency surcharge. With the currency adjustment the increase would be over $2.1 million or about 11.1 percent. Tigers anticipates that in the year ending June 30, 1974, it will receive a 6.1-percent increase in frieight revenue under the proposed tariffs, from $67.5 million to $71.6 million, without the currency adjustment. With the currency adjustment revenue would be $73.6 million, an increase of about 9.0 percent Northwest forecasts a $574,000 increase in freight revenue for the year ending June 30, 1974, approximately 6 percent. Unlike Pan American and Tigers, Northwest does not predict any shift in traffic distribution to unit-load devices as a result of the new container rates which would adjust pivot weights to conform more closely to the densities of most transpacific traffic. The forecast rates of return on investment with the rate increase are: Pan American, 10.1 percent; Tigers, 16.0 percent; and Northwest, 6.6 percent.

Although these improvements in revenue appear moderate, we note that even without the proposed rate increases the carriers forecast traffic and revenues which, on the whole, represent significant improvement over their experience in the recent past. For fiscal 1974, Northwest forecasts a 59-percent increase in all-cargo traffic over the year ending December 31, 1972, and a 57-percent increase in revenue. These results may be attributed to resumption of service after the Northwest pilot strike which lasted from July to October of 1972. It is therefore more realistic to compare the forecast traffic and revenue with the carrier's experience for the year ending June 30, 1972, the last full year before the strike. Here the increases are 5.1 percent and 6.7 percent, respectively. Since Pan American picked up considerable northwest traffic during the strike, it seems logical to use the year ending June 30, 1972, as a basis of comparison for that carrier also.[8] Pan American's forecasts show increases of 12.7 percent and 5.2 percent, respectively, in traffic and revenue over the 1972 base period.[9] Tigers anticipates a much more dramatic change; the same basis of comparison shows an increase in traffic of over 44 percent and a revenue improvement of almost 51 percent. Using the last reported period (12 months ended December 31, 1972) as a base Tiger's increases would be 23 percent and 29 percent, respectively.[10] The revenue increases for all the carriers would be even greater with the proposed rate increases.

On the other hand, the carriers anticipate a drop in their rates of return on investment over the same period which is somewhat puzzling in the face of the above-mentioned gains in traffic and revenue. Pan American states that their 1972 return on investment was 14.5 percent and claims that this will drop to 7.1 percent in the coming year without a rate increase; similarly, Tigers states their 1972 return was 14.1 percent which will drop to 11.0 percent without a rate hike. These figures do not comport with Form 41 data reported to the Board which shows Tigers with a 24.1-percent return for the year ended December 31, 1972. Even if Pan American's return is not also understated it is clear that at least two of the carriers are now in an excess earnings position which is now expected to drop suddenly below the Board's 12-percent yardstick. Northwest makes no direct comparisons and in any case their experience is suspect for rate-making purposes due to the effects of the recent strike.

Cost increases do not appear sufficient to explain the predicted decline in return for Pan American and Northwest, although Tigers forecasts an extensive expansion in capacity and, accordingly, expenses. Pan American is reducing capacity 10.1 percent below that offered during fiscal 1972, and Northwest forecasts a modest 5.7-percent rise over the same period. Tiger's predicted 48.9-percent capacity increase, with an attendant 49.2-percent rise in costs and a drop in load factor from 67.6 to 64.4 percent, appears to be behind the dramatic decline forecast in Tiger's return position. (See Appendix G.) Additional capacity now projected by Tigers offers no justification for an increase in North/Central Pacific rates.

Pan American and Northwest attribute the forecast decline in return to a severe erosion of freight yields during the open-rate period due to commodity and container rates filed unilaterally at uneconomic levels. The carriers cite their reported 1971 and 1972 yield experience in this regard and contend that yields will continue to be eroded without a rate increase. Yet we find it curious that Tigers' forecast of revenue and traffic shows a substantial (7.67 percent) improvement in yields over last year, indicating that the other carriers' yield, revenue and return forecasts may be significantly understated.

We cannot conclude that the increases proposed in general cargo rates are warranted. Last year the Board disapproved a similar proposal for a general rate increase on grounds that the earning positions of the three carriers offering all-cargo service over the North/Central Pacific showed very high rates of return, and that increased costs associated with devaluation and enroute facilities charges could be absorbed without an increase. Two of the carriers—Pan American and Tigers—were clearly in excess earnings positions in 1972, and nothing in the data submitted convinces us that their returns would drop off to unsatisfactory levels in the coming year. As outlined above, we believe the forecasts to be significantly understated. The erosion of yields which the carriers bemoan has not occurred in the area of general cargo rates, and the carriers' own forecasts indicate that the proposed increases in general cargo rate revenues would be relatively unimportant in their total revenue position. In this connection we note that the carriers' figures on traffic distribution show that general cargo rates will still move only about 30 percent of the traffic.

Neither can we conclude that the general 5-percent increase in all charges for U.S.-originating shipments is justified. In most cases where a currency is devalued, it is reasonable to conclude that some upward adjustment in rates is necessary to restore the previously existing balance of carrier revenues and expenses. For the same reasons stated in Order 73-7-54 (July 12, 1973) disapproving similar adjustments in North/Central Pacific passenger fares, we cannot make such a finding in this case, and none of the carriers have provided any data to warrant these increases.[11] We will also disapprove a similar 5-percent surcharge proposed on special rates for personal effects, and on all cargo rates between IATA Conference areas 2 and 3, on the

[7] TWA, which has only recently inaugurated transpacific freighter service, forecasts only an increase of $995,000, or 8.6 percent, in transpacific freight revenue (both all-cargo and combination services).

[8] Traffic and revenue for Pacific all-cargo service reported by Pan American under C.A.B. Form 242 are not further broken down into North/Central versus South Pacific. Pan American inaugurated South Pacific freighter service in August 1972, therefore, the year ending June 30, 1972, is also the last reported period for which a direct comparison can be made with the carrier's forecasts for North/Central Pacific all-cargo service.

[9] We note that in its March 26 justification for a general five-percent increase in transpacific fares and rates to cover dollar devaluation, Pan American anticipates an 18.5-percent increase in Pacific sector cargo sales for 1973 as compared to 1972. This indicates that the carrier's forecast 12.7-percent increase in traffic over the year ending June 30, 1972, may be understated.

[10] These changes are summarized in Appendix E.

[11] Tigers examines the impact of the devaluation upon foreign carriers by analyzing the effect on its own revenues and return position as if it were a foreign carrier. We consider this exercise meaningless, as the relationship of revenue to expenses in each country is different for each carrier.

one hand, and Guam, on the other hand.[12]

It appears that although Tigers' revenue will more than keep pace with increased traffic, Pan American and Northwest anticipate some lag in revenues absent some improvement in yield. All the carriers have stressed the severe erosion of yields due to low specific commodity rates and bulk unitization charges filed unilaterally during the open-rate period. Under these circumstances we do not believe the proposed increases in these rates to be unreasonable and it has been the Board's policy to encourage the carriers to reduce reliance on specific commodity rates by increasing them.[13]

Finally, we turn to the complaints. Upon consideration of the carrier justifications, the complaints and the answers thereto, we cannot conclude that the directional specific commodity rates complained against by Fairchild, RCA and GIC warrant approval, and accordingly we will herein disapprove Resolution 590x, and Resolution 590 insofar as it would establish rates for Items 4416, 4417, and 4435 in either direction.[14] No adequate justification has been provided for the directional discrepancies. Although the lower eastbound rates were initially introduced during an open-rate period to attract to scheduled service traffic which had been moving on charters, we see no reason for the perpetuation of this dilutionary element within the overall rate structure. The carriers themselves have stressed the severe erosion of yields due to low open-rate filings, and there is no reason why these particular rates should be excepted from the general return to previous IATA-agreed levels by virtue of the unusual circumstances attending their introduction during the open-rate period. The Board is well aware of the carriers' contention that low levels are still required to continue to move this traffic in the eastbound direction. We believe, however, that the carriers have available other options which would avoid the marked directionality now proposed for incorporation into the regular scheduled rate structure.

Although specific commodity rates are by their nature directional, in this instance the extreme differentials advocated are not warranted, and we are unable to find them consistent with the public interest. Movement of large volumes of substantially identical commodities between the same points in opposite directions demands consideration not only of the economic impact upon carriers operating in air transportation, but also of the effect upon the competitive positions of the manufacturers of the goods being transported. This is particularly the case when an extremely competitive range of commodities is involved, and we believe the impact upon the competitive positions of Fairchild, RCA and GIC would be unduly severe if the rates were approved. The particular electronic components involved are high density items which have a very low unit value, and accordingly the cost of shipping each item to the point of final assembly has a critical effect on the selling price of the finished good.

In any event, we expect any solution which may be forthcoming to be cost-justified and equitable in its treatment of shippers of the same commodities on each side of the Pacific.

We believe Antle's problem has been resolved by subsequent action of the IATA Mexico City Conference by which the current rates supported by Antle for fresh lettuce and celery were incorporated in the specific commodity rate structure proposed for effectiveness through September 30. We will therefore approve Resolution 590 establishing specific commodity rates, with the exception outlined above for Items 4416, 4417, and 4435.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23620:			
R-6	556a	Joint Conference 31 Cargo Rates-North and Central Pacific (NEW).	3/1.
R-7	590	Specific Commodity Rates Board (Readopting and Amending) insofar as it applies to rates for commodity Item Nos. 4416, 4417 and 4435.	3/1;1/2/3 (N. & C. Pacific).
R-8	590x	JT31 Specific Commodity Rates (NEW)	3/1.
R-9	022p	JT31 (North & Central Pacific) Special Rules for Sales of Cargo Air Transportation (NEW).	3/1 (N. & C. Pacific); 1/2/3 (TC1/TC3 via TC2).
23628	314a	Special Rates for Personal Effects (North & Central Pacific) (NEW).	3/1 (N. & C. Pacific); 1/2/3 (TC1/TC3 via TC2).
23748:			
R-5	590 II	Specific Commodity Rates Board (Expedited) (Amending) insofar as it applies to rates for commodity Item Nos. 4416, 4417, and 4435.	3/1.
R-6	590x	JT31 Specific Commodity Rates (Expedited) (Amending)	3/1 (N. & C. Pacific).
23608: R-6	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (NEW) (insofar as it applies in air transportation to/from Guam).	2/3;1/2/3.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 23620 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
23620:			
R-1	002	Readoption Resolution—North and Central Pacific	3/1;1/2/3 (via N. & C. Pacific).
R-3	501	Minimum Charges for Cargo (Amending)	1/2/3 (except N. & C. Pacific).
R-4	501	Minimum Charges for Cargo (Readopting and Amending).	3/1;1/2/3 (N. & C. Pacific).
R-5	536a	North and Central Pacific-Bulk Unitization Charges (Readopting and Amending).	3/1 (N. & C. Pacific).
23608:			
R-4	003h	Special Rectasion Resolution	2/3;1/2/3.
R-6	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (NEW) (insofar as it applies in air transportation to/from American Samoa).	2/3;1/2/3.

3. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
23620:			
R-2	115k	Meeting Non-IATA Competition-North and Central Pacific (NEW).	3/1 (N. & C. Pacific).
R-7	590	Specific Commodity Rates Board (Readopting and Amending) insofar as it applies to rates other than those for commodity Item Nos. 4416, 4417, and 4435.	3/1; 1/2/3 (N. & C. Pacific).
23748:			
R-4	590 I	Specific Commodity Rates Board (Expedited) (Amending).	3/1.
R-5	590 II	Specific Commodity Rates Board (Expedited) (Amending) insofar as it applies to rates other than those for commodity Item Nos. 4416, 4417 and 4435.	3/1.

[12] The corresponding five-percent surcharge in rates between TC3 and TC2, on the one hand, and American Samoa, on the other hand, will be approved consistent with our action in Order 73-4-126 (April 30, 1973).

[13] We will not, however, accommodate Tigers' desire that we stay our condition on intermediate application of specific commodity rates.

[14] We will also take similar action with respect to expedited resolution 590 II and 590x adopted at Mexico which would revalidate until September 30, 1973, specific commodity rates agreed under those resolutions and scheduled to expire on September 29, 1973.

Provided that with respect to Resolution 115k:

All notices sent or received pursuant to said resolution shall be filed with the Board at the same time and in the same manner (by cable) as circulated to the carriers; provided further that any unprotested amendment, change, deletion or addition to the North/Central Pacific cargo rate structure and related resolutions, whether or not in air transportation as defined by the Act, shall be filed with the Board under Section 412 of the Act and approved by the Board prior to being placed in effect; and

Provided that with respect to Resolutions 590;

Notwithstanding any provisions of said resolution or any other resolution, specific commodity rates established pursuant thereto with respect to any United States point as an origin or destination shall be applicable at the same levels to any other United States city having an intermediate position relative to shortest operated mileages, unless a specific commodity rate under the same description and requiring the same minimum weight is specifically established at a lower level for such intermediate point.

Accordingly, It Is Ordered, That:

1. Those portions of Agreements C.A.B. 23620, C.A.B. 23628, C.A.B. 23748, and C.A.B. 23608 set forth in finding paragraph 1 above be and hereby are disapproved;

2. Those portions or Agreements C.A.B. 23620 and 23608 set forth in finding paragraph 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board; and

3 Those portions of Agreements C.A.B. 23620 and C.A.B. 23748 set forth in finding paragraph 3 above be and hereby are approved subject to the conditions staated therein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-18574 Filed 8-30-73;8:45 am]

CIVIL RIGHTS COMMISSION

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Arizona State Advisory Committee to this Commission will convene at 9:00 a.m. on September 8, 1973, in Rooms 101 and 103 of the Rodeway Inn, at 1202 South 24 Street, Phoenix, Arizona 85034.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, Ross Building, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to discuss a revised proposal and review plans for the Arizona State Advisory Committee's forthcoming Administration of Justice Study of Arizona Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C. August 24, 1973.

ISAIAH T. CRESWELL, JR., *Advisory Committee Management Officer.*

[FR Doc.73-18535 Filed 8-30-73;8:45 am]

CIVIL SERVICE COMMISSION

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Citizens' Advisory Committee on Environmental Quality to fill by noncareer executive assignment in the excepted service the position of Executive Director—Citizens' Advisory Committee on Environmental Quality.

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

[FR Doc.73-18549 Filed 8-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Director, Bureau of Economics, Office of Director.

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

[FR Doc.73-18548 Filed 8-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence Assessment), Office of the Assistant Secretary of Defense (Intelligence), Office of the Secretary of Defense.

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

[FR. Doc.73-18542 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Education (Policy Communication), Office of the Assistant Secretary for Education, Education Division.

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

[FR Doc.73-18544 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Commissioner, Assistance Payments Administration, Social and Rehabilitation Service.

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

[FR Doc.73-18545 Filed 8-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for External Affairs, Office of Education.

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

[FR Doc.73-18551 Filed 8-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary.

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

[FR Doc.73-18546 Filed 8-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Energy Data and Analysis, Office of the Assistant Secretary—Energy and Minerals.

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

[FR Doc.73-18547 Filed 8-30-73;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of August 18, 1970, FR Doc. 70-10818 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Confidential Assistant to the Attorney General, Office of the Attorney General. This is notice that the title of this position is now being changed to Special Assistant to the Attorney General, Office of the Attorney General.

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

[FR Doc.73-18554 Filed 8-30-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Director for Jobs for Veterans, Office of the Assistant Secretary for Manpower.

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

[FR Doc.73-18552 Filed 8-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Deputy Chief, Cable Television Bureau.

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

[FR Doc.73-18543 Filed 8-30-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Chairman for Planning, Office of the Chairman.

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

[FR Doc.73-18550 Filed 8-30-73;8:45 am]

UNITED STATES TAX COURT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the United States Tax Court to fill by noncareer executive assignment in the excepted service the position of Executive Director.

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

[FR Doc.73-18553 Filed 8-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee will be held at 9:00 a.m. on September 20, 1973, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The agenda will include briefings and consultations on (1) a draft titled, "Health Consequences of Sulfur Oxides: Summary and Conclusions Based Upon CHESS Studies of 1970-1971"; (2) ongoing reviews of health effects data relating to air quality criteria for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, and nitrogen oxides; (3) a draft titled, "Position Paper on Polychlorinated Biphenyls (PCBs)"; and (4) the EPA fuels and fuel additives research program as it relates, in particular, to mobile source nonregulated emissions. CHESS is the acronym for the Community Health and Environmental Surveillance System conducted by the Environmental Protection Agency in cooperation with local and State governments, universities, and private research organizations.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number is 919-549-8411, extension 2266.

STANLEY M. GREENFIELD,
Assistant Administrator for Research and Development.

AUGUST 27, 1973.

[FR Doc.73-18537 Filed 8-30-73;8:45 am]

OCCUPATIONAL SAFETY REQUIREMENTS FOR PESTICIDES

Notice of Hearings

There was published in the FEDERAL REGISTER on July 31, 1973, a notice of this Agency's intent to hold public hearings on the question of farm worker protection and on proposed standards published with the notice. This Agency has cooperated with the Occupational Safety and Health Administration (OSHA) of the Department of Labor in public hearings on the question of worker reentry and protective clothing with respect to certain organophosphorus chemicals for use on apples, citrus, grapes, peaches, and tobacco. The OSHA hearings which have been concluded were pursuant to the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

The extent of issues and the range of standards proposed to be considered by

the EPA hearings were delineated in the July 31 FEDERAL REGISTER notice. These issues are broader in scope than those covered by the OSHA hearings. The purpose of the EPA hearings is to obtain meaningful information on which to base necessary additional standards for registration, field reentry, protective clothing and related agricultural worker areas for all pesticides. The OSHA will cooperate with EPA in these hearings.

After consideration of the record of both OSHA hearings and EPA hearings together with written views, arguments, and data received in response to the July 31 notice, and other available information, EPA will promulgate as deemed appropriate standards or regulations in any or all of the areas identified for any or all pesticides.

Interested parties were requested to advise the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, of their desire to present evidence at any of the proposed hearings so that further plans and duration of the hearings could be worked out. Expressed interest has largely favored one of the regional sites or the concluding hearing in Washington, D.C., on October 23 and 24. For this reason, the hearing scheduled for August 29 and 30 in Washington, D.C., is canceled with Sacramento, California, being the site of the opening hearing. Any persons planning to attend the August 29 and 30 hearing may attend one of the other hearings. After consideration of the responses to the July 31 notice, we have scheduled public hearings in 12 locations as listed below:

Dates	Address	Time
September 11-12	Assembly Room, California Department of Food and Agriculture, 1220 N St., Sacramento, Calif. 95814.	9:30 a.m.
September 14	Nisqually Room, Seattle Center, 305 Harrison St., Seattle, Wash. 98109.	9:30 a.m.
September 18	Ocotillo Room, Holliday Inn, 2247 East Van Buren St., Phoenix, Ariz. 85034.	9:30 a.m.
September 20	Ramada Inn, 123 West E St., Casper, Wyo. 82601.	9:30 a.m.
September 25	Room 302, Federal Building, 911 Walnut St., Kansas City, Mo. 64106.	9:30 a.m.
September 28	Conference Rooms A & B, 11th Floor, 1600 Patterson St., Dallas, Tex. 75201.	9:30 a.m.
October 2	Conrad Hilton Hotel, Willowford Room, Parlor A, 720 South Michigan Ave., Chicago, Ill. 60605.	9:30 a.m.
October 9	Tull Auditorium, Gambrell Hall, Emory University, 1364 Clifton Rd., NE., Atlanta, Ga. 30322.	9:30 a.m.
October 12	West Tennessee Room, Admiral Benbow Hotel, 2201 Winchester Rd., Memphis, Tenn. 38116.	9:30 a.m.
October 16-17	New York State Department of Environmental Conservation, Conference Room 106, 550 Wolf Rd., Albany, N.Y. 12201.	9:30 a.m.
October 19	Baystate Room, Statler Hilton, Park Square, Boston, Mass. 02117.	9:30 a.m.
October 23-24	Jefferson Auditorium, USDA, South Bldg., 14th and Independence Ave., SW Washington, D.C. 20250.	9:30 a.m.

Persons wishing to submit evidence or make their views known to this Agency on these issues are invited to participate in one of these hearings. Persons who have responded to the July 31 notice, asking to participate, will be scheduled for the appropriate hearing. To the extent time permits, others may participate by registering and requesting to testify at the hearing site of their choice. Oral statements will be limited to a reasonable period of time; however, written statements may be filed for the record. Four copies of written statements will be required.

Written views may be submitted, on or before October 30, 1973, to the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (preferably in quintuplicate). All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk. Such written submissions will be considered along with the hearing record.

Done this 28th day of August 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-18623 Filed 8-30-73;8:45 am]

POLLUTANTS IN PUBLICLY OWNED TREATMENT WORKS

Pretreatment Guidelines

Pursuant to section 304(f) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), the Environmental Protection Agency (EPA) gave notice on August 20, 1973 (38 FR 22429) of a proposal to issue guidelines for pretreatment of wastewaters introduced into publicly owned treatment works.

The last sentence of that notice, which reads "All such submissions received on or before October 4, 1973, will be considered prior to publication of final guidelines", is in error. It should read "All such submissions received on or before September 25, 1973, will be considered prior to publication of final guidelines".

Under a decree entered in the case of "N.R.D.C. v. Fri" (U.S. District Court for the District of Columbia, Civil No. 849-73), EPA is obligated to issue pretreatment guidelines on or before October 15, 1973. The decree also requires the Agency to allow at least 20 days for review of public comment. Accordingly, it is necessary to close the public comment period at least 20 days prior to October 15, 1973.

For this reason, the public comment period noticed for the pretreatment guidelines under section 304(f) of the Federal Water Pollution Control Act will close on September 25, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

AUGUST 27, 1973.

[FR Doc. 73-18538 Filed 8-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND CHO YANG SHIPPING CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

W. R. Purnell, Assistant Vice President, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 10080 between American Mail Line, Ltd. (AML) and Cho Yang Shipping Co., Ltd. (Cho Yang) covers the through movement of cargo in containers under through intermodal bills of lading issued by AML or by AML and/or U.S. inland carriers in the trade between ports in Korea and ports or points in the United States, with transshipment at ports in Japan to and from ports of discharge or loading in Korea.

By Order of the Federal Maritime Commission.

Dated August 28, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18567 Filed 8-30-73;8:45 am]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

George H. Sutter, Esq., Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2005-9, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), amends the basic lease between the parties providing for the lease to Sea-Land of certain marine terminal facilities at Seattle, Washington. The purpose of the modification is to: (1) Change the monthly amortization payment schedule; (2) adjust the land area rental computation by decreasing the land area by 90,906 square feet and increasing the total monthly land rental by $3,158.37; and (3) increase the lease bond amount by $2,144.

Agreement No. T-2451-2, also between the Port and Sea-Land, amends the basic agreement which provides for the lease of container cranes at the facility in Seattle leased by Sea-Land under the terms of Agreement No. T-2005, as amended. The purpose of the amendment is to change the monthly amortization payment schedule.

By Order of the Federal Maritime Commission.

Dated August 27, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-18568 Filed 8-30-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP67-9 and Permian Basin Area Rate Proceeding; Docket Nos. AR61-1, etc.]

EL PASO NATURAL GAS CO.

Notice of Compliance Filing

AUGUST 24, 1973.

Take notice that on August 9, 1973, El Paso Natural Gas Company (El Paso), in accordance with Article IV of the Stipulation and Agreement approved by the Commission order issued April 3, 1967, at Docket No. RP67-9, and in compliance with ordering paragraph (K) (1) of the order implementing Opinion Nos. 468 and 468-A, issued August 9, 1968, at Docket Nos. AR61-1, et al., submits herewith its report of refunds received from its producer-suppliers during the period April 1, 1973, through June 30, 1973.[1]

During the period January 1, 1973, through June 30, 1973, El Paso states that it has received refunds aggregating $8,326.57 from certain of its Southern Division System producer-suppliers, which refunds have been submitted to El Paso pursuant to ordering paragraph (H) of the Commission Order Implementing Opinion Nos. 468 and 468-A issued August 9, 1968, at Docket Nos. AR61-1, et al. Details respecting the said refund amount of $8,326.57 are set forth on the sheet attached thereto designated as Schedule A. Pending accumulation of sufficient producer-supplier refunds to flow through the jurisdictional portion thereof to its Southern Division System customers, El Paso states that it has retained and commingled with its corporate funds the above amount in accordance with Article IV of its Stipulations and Agreements in Docket Nos. G-4769, et al. and RP67-9. As further provided by the said Stipulations and Agreements, El Paso says that it is accuring interest on such refund amount at the prime rate of interest, as it may exist from time to time, until the date of flow through by El Paso to its Southern Division System customers.

With respect to Northwest Division System refunds pending flow through, El Paso, through June 30, 1973, maintains that it has received from its Northwest Division System producer-suppliers refunds aggregating $125,596.43. According to El Paso, details regarding said refund amount of $125,596.43 are set forth on this attached sheet designated as Schedule B. Pursuant to the provision of its Stipulations and Agreements approved by the Commission at Docket Nos. G-13202 and RP67-9, El Paso says that it has commingled such amount with its corporate funds, pending accumulation of sufficient amounts to flow through the jurisdictional portion thereof its Northwest Division System customers. As provided by the said Stipulations and Agreements, El Paso states that it is accruing interest on the commingled refund amount of $125,596.43 at the prime rate of interest as it may exist from time to time.

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, NE., 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 September 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18509 Filed 8-30-73;8:45 am]

[1] As reported February 23, 1973, as of December 31, 1972, El Paso has flowed through all refunds received prior to that date in accordance with the Commission's said order issued at Docket No. AR61-1, et al.

[Docket No. CP74-18]

UNITED GAS PIPE LINE CO.

Order Modifying Procedural Dates

AUGUST 24, 1973.

On August 7, 1973, the Presiding Judge certified a motion for modification of the procedural dates in this proceeding in the following respects:

	July 20 order	Proposed modifications
United's evidence	Aug. 27, 1973	Oct. 23, 1973
Staff and intervenors' evidence	Sept. 24, 1973	Dec. 21, 1973
Rebuttal evidence	Oct. 8, 1973	Jan. 25, 1974
Cross-examination	Oct. 15, 1973	Feb. 25, 1974

For the reasons set forth at the August 6, 1973 prehearing conference in this proceeding (Tr. 1-59), a transcript of which was certified to the Commission with the August 7 Presiding Judge's certification of the motion, we order the following procedural dates in Docket No. CP74-18, which shall supersede those prescribed in our July 20, 1973 order initiating this proceeding:

(A) United Gas Pipe Line Company shall file its testimony and evidence on October 23, 1973.

(B) A prehearing conference shall be held on October 31, 1973, in a hearing room of the Federal Power Commission, in Washington, D.C.

(C) Staff and intervenors shall file their evidence, including testimony and exhibits, on December 21, 1973.

(D) Rebuttal evidence shall be filed on January 18, 1974.

(E) Cross-examination shall commence on February 11, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18510 Filed 8-30-73;8:45 am]

[Docket No. CP72-60]

UNITED GAS PIPE LINE CO.

Notice of Application [1]

AUGUST 27, 1973.

Take notice that on September 7, 1971, United Gas Pipe Line Company (Appli-

[1] This notice, which was first issued September 16, 1971, is being reissued (without change except for the due date for filing protests and petitions to intervene) because the original notice was not published in the FEDERAL REGISTER.

cant), 1525 Fairfield Avenue, Shreveport, Louisiana 71102, filed in Docket No. CP72-60 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of natural gas service to Mississippi Power Company (Mississippi Power) and the facilities employed therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that natural gas service to Mississippi Power for use in its Eaton Plant, near Hattiesburg, Forrest County, Mississippi, commenced on January 14, 1945. The amended gas sales contract for this service is to expire on January 1, 1972, and Applicant states that because of the natural gas shortage, it has declined to renew this contract.

Therefore, Applicant proposes to abandon in place approximately 751 feet of 8-inch pipeline and to abandon and salvage metering and regulating facilities which have been used exclusively for service to Mississippi Power.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-18533 Filed 8-30-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST NEWTON BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

First Newton Bankshares, Inc., Topeka, Kansas, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank, Newton, Kansas (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, recently organized for the purpose of becoming a holding company, has engaged in no business activities and has no subsidiaries. Bank (deposits of $14.7 million) is the smallest of three banks in Newton, Kansas, ranks third of eight in the relevant banking market approximated by Harvey County, and controls approximately 21 percent of the area deposits. (All banking data are as of December 31, 1972). The transaction is merely a reorganization whereby the shareholders who control bank at the present time will control Bank through Applicant. Accordingly, the Board concludes that consummation of the proposal will not eliminate any existing or potential competition, increase concentration of banking recources, or have an undue adverse effect on the other banks in the relevant area.

The management, financial condition and prospects of Bank are all satisfactory. The management of Applicant is essentially the same as that of Bank, and the financial condition of Applicant, which will depend largely upon Bank at least initially, appears to be satisfactory. A moratorium on dividends by Bank for the first year and a reduction thereafter from the level of recent years will permit Bank to achieve a greater degree of capital adequacy. It appears that the acquisition debt by Applicant will be satisfactorily amortized. Bank's capital has been steadily increased over the past five years. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be consistent with the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 73-18489 Filed 8-30-73;8:45 am]

FORT WORTH NATIONAL CORPORATION

Order Approving Acquisition of Bank

The Fort Worth National Corporation, Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Commercial Bank & Trust Co., Midland, Texas (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls six banks[2] with aggregate deposits of about $878 million, representing 2.5 percent of the total deposits of commercial banks in the State. Applicant ranks as the fifth largest multibank holding company and the sixth largest banking organization in Texas and the largest in the Fort Worth banking market, where it controls approximately 31 percent of the total commercial bank deposits in the market. (All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through June 15, 1973.) In addition, Applicant controls approximately 24 percent of the voting shares of each of two other banks located in the Fort Worth market, holding aggregate deposits of $74.1 million. Applicant also owns in excess of 5 percent of the shares of the First National Bank, Paducah, Texas. Upon consummation of the acquisition of Bank ($30.3 million in deposits), Applicant's share of commercial bank deposits in the State would increase by 0.08 percent and its rank would remain unchanged.

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

[2] Bank of Fort Worth, Riverside State Bank, and Tarrant State Bank, all located in Fort Worth, are deemed subsidiaries for purposes of the Bank Holding Company Act by virtue of Applicant's fiduciary holdings in said banks and § 2(a)(5)(A) of the Act.

Bank is located in Midland, Texas, and, as the sixth largest of nine banking organizations serving the Midland-Odessa banking market, controls 6 percent of that market. Applicant's closest existing subsidiary bank is located approximately 250 miles north of Bank. (Applicant has filed an application to acquire 100 percent of Levelland State Bank, Levelland, Texas, approximately 140 miles north of Bank; if approved, the Levelland State Bank would become Applicant's subsidiary nearest to Bank.) It appears that no meaningful competition exists between any of Applicant's existing or proposed subsidiary banks and Bank.

The second, third, fourth, and fifth largest banks in the Midland-Odessa banking market are members of bank holding company organizations. Bank's small size would preclude its engaging in meaningful competition with these organizations. Consummation of the proposal herein may produce procompetitive effects by introducing into the market an organization of sufficient financial strength to make Bank a vigorous competitor in its market. In view of the distances involved, and the Texas law prohibiting branch banking consummation of the proposal herein would not appear to have an adverse effect on future competition between Bank and any of Applicant's subsidiaries. The Board concludes, on the basis of the record before it, that consummation of the proposed transaction will not have an adverse effect on competition in any relevant area and may, in fact, serve to stimulate competition in the Midland-Odessa banking market.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and managerial resources of Bank are fair. As a subsidiary of Applicant, however, Bank's prospects for future growth and service as a meaningful competitor in the Midland-Odessa area would be significantly improved. The expected strengthening of Bank's financial position by Applicant lends weight to approval of the application.

Although there is no evidence in the record to indicate that the banking needs of most residents of the Midland-Odessa area are not being adequately served by existing institutions, provision of Applicant's expertise in trust department operations, international banking, and petrochemical financing through Bank should provide a more convenient source for these sophisticated services to customers located in Bank's market. The convenience and needs considerations of the community to be served are consistent with and lend support to approval of this application. It is the judgment of the Board that the proposed transaction is in the public interest and that the applicaion should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and further provided that the transaction shall be in compliance with the provisions of section 3(e) of the Act (12 U.S.C. 1842(e)) regarding status as an insured bank as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

By Order of the Board of Governors,[1] effective August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18490 Filed 8-30-73;8:45 am]

HAWKEYE BANCORPORATION

Order Approving Acquisition of Bank

Hawkeye Bancorporation of Des Moines, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 79 percent or more of the voting shares of Farmers Savings Bank, Grundy Center, Iowa (Bank).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls 12 banks with aggregate deposits of approximately $275 million, and is the fifth largest banking organization in Iowa. Consummation of the proposed acquisition would increase Applicant's percentage of the total commercial deposits in the State from 3.3 percent to 3.4 percent, and Applicant would become the fourth largest banking organization in Iowa. (All banking data are as of December 31, 1972.)

Bank, with deposits of approximately $10 million, and 12 percent of the total market deposits, is the third largest of the eleven banks competing in the Grundy Center banking market which is composed of Grundy County and portions of Butler, Hardin and Tama Counties.

Applicant's banking subsidiary nearest to Bank is approximately 59 miles away in Newton. There is currently no competition between Applicant and Bank, and in view of the distance separating the facilities, little likelihood of future competition.

The composite financial condition of Applicant's member banks is considered satisfactory and Applicant has reasonably sound financial resources. Although the proposed acquisition would entail the assumption of additional debt, the amount of this indebtedness is not considered excessive in view of the overall capital position of Applicant and its subsidiary banks. Applicant has proposed issuing debentures before the end of 1973, the proceeds to be used to retire a portion of its short-term debt.

There is no evidence that the convenience and needs of the Grundy Center market are not being adequately met. However, if the application is approved, Applicant's experience and expertise would enable Bank to improve the quality of service it offers the community. Specifically, Applicant proposes to widen the range of loans made by Bank under a more progressive loan policy, to improve the trust services offered by Bank through Applicant's lead bank's specialized "Trust Committee," and assist Bank in bidding on local bond issues. Thus, the factors relating to convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18491 Filed 8-30-73;8:45 am]

HERITAGE BANCORPORATION

Acquisition of Bank

Heritage Bancorporation, Cherry Hill, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of First Charter National Bank, Jamesburg, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

[1] Holders of the remaining 21 percent are to be offered the same price per share as agreed to be paid for the 79 percent.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-18534 Filed 8-30-73;8:45 am]

UNITED VIRGINIA BANKSHARES INC.

Order Approving Acquisition of Bank

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

United Virginia Bankshares Incorporated, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of United Virginia Bank of Charlottesville, Charlottesville, Virginia (Bank), an organizing State chartered institution. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR Part 265).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

As of December 31, 1972, the Applicant was the State's largest banking organization controlling 12 banks operating 123 offices with aggregate deposits of $1.5 billion or 14.1 percent of the total commercial bank deposits in Virginia. It recently received approval to acquire another small bank and, in addition, owns subsidiaries engaged in bank-related activities of factoring, mortgage lending, leasing, and investment advisory services. Inasmuch as the Applicant's closest office to that of the proposed new bank is 35 miles away, no existing competition would be eliminated, nor would concentration be increased in any relevant area. Bank would be located in the city of Charlottesville which, along with the surrounding county of Albemarle, would constitute the relevant geographic market. The four banking organizations currently competing in this market include the second, sixth, eighth and eleventh largest in Virginia. The largest bank in the market holds approximately 44.5 percent of the total deposits while the two leading banks hold approximately 79 percent. Thus, it appears that the consummation of the proposal should stimulate competition and tend to reduce the presently high degree of market concentration.

The financial and managerial resources and future prospects of Applicant and its bank and bank-related subsidiaries are regarded as generally satisfactory. As an alternative source of banking service, prospects for Bank appear favorable, particularly in view of the significant growth forecast for the area. Considerations relating to the convenience and needs of the area to be served are consistent with approval of the application. It is the Reserve Bank's judgment that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date; and United Virginia Bank of Charlottesville, Charlottesville, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the latter periods may be extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 22, 1973.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.73-18492 Filed 8-30-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

AMERICAN COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20128, AMERICAN COAL COMPANY, Beehive Mine, MESA ID No. 42 00082 0, Huntington, Utah,
- Section ID No. 006 (3rd West);
- Section ID No. 005 (2nd West).

(2) ICP Docket No. 20228, HELVETIA COAL COMPANY, Lucerne No. 6 Mine, MESA ID No. 36 00917 0, Indiana, Pennsylvania,
- Section ID No. 003 (West Mains),
- Section ID No. 004 (West Mains),
- Section ID No. 005 (North Mains),
- Section ID No. 027 (7 Butt East Mains),
- Section ID No. 031 (9 Butt North Mains),
- Section ID No. 033 (1 Right 7 Butt East Mains),
- Section ID No. 035 (2 Right 7 Butt East Mains),
- Section ID No. 037 (10 Butt North Mains),
- Section ID No. 039 (11 Butt North Mains),
- Section ID No. 041 (11 East North Mains),
- Section ID No. 043 (3 Right 7 Butt East Mains).

(3) ICP Docket No. 20463 UNITED STATES STEEL CORPORATION, Somerset Coal Mine, MESA ID No. 05 00294 0, Somerset, Colorado,
- Section ID No. 012 ("C" Seam Section),
- Section ID No. 006 (4 West—3 Dip "B"),
- Section ID No. 009 (4 East—3 Dip "B"),
- Section ID No. 010 (5 West—3 Dip "B"),
- Section ID No. 013 (6 Left—3 South "B"),
- Section ID No. 014 (6 Right—3 South "B").

(4) ICP Docket No. 20479, KAISER STEEL CORPORATION, Sunnyside Mine No. 1 MESA ID NO. 42 00093 0, Sunnyside, Utah,
- Section ID No. 017-0 (16th Left),
- Section ID No. 019-0 (2nd South),
- Section ID No. 020-0 (17th Left),
- Section ID No. 021-0 (Motor Road Extension),
- Section ID No. 022-0 (Outside Raise—1st Left),
- Section ID No. 023-0 (Outside Raise—2nd Left),
- Section ID No. 024-0 (Outside Raise—1st Right).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 27, 1973.

[FR Doc.73-18499 Filed 8-30-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Notice of Ad Hoc Task Group Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) notice is hereby given that a meeting of Ad Hoc Task Group No. 2 of the Advisory Committee for Research will be held at 9 a.m. on September 25 and 26, 1973, in room 511, at 1800 G Street, NW., Washington, D.C. 20550. The purpose of the Committee is to provide advice and counsel concerning research activities and potential in the United States and to consult on problems in the administration of research support. This informal subgroup of the Committee is meeting to consider and discuss specific topics of interest to the full Committee.

The agenda for this meeting shall include the following topics:

1. Evaluation of the Peer Review System.

2. Impact of NSF Research Support.

The meeting shall be open to the public and attendance will be limited to space available on a first-come basis. Individuals who plan to attend should notify Dr. Jerome H. Fregeau, Executive Assistant to the Deputy Assistant Director for Research, Directorate for Research, by telephone (202-682-4248) or by mail (room 320, 1800 G Street, NW., Washington, D.C. 20550) not later than close of business on September 21, 1973.

For further information concerning this Committee, contact Mr. Leonard F. Gardner, Special Assistant, Directorate for Research, room 320, 1800 G Street, NW., Washington, D.C. 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, room K-720, 1800 G Street, NW., Washington, D.C. 20550.

ELDON D. TAYLOR,
Acting Assistant Director for Administration.

AUGUST 24, 1973.

[FR Doc.73-18500 Filed 8-30-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 23-1]

SPOKANE STOCK EXCHANGE ET AL.

Supplemental Information Filed With Respect to Applications for Exemption From Provisions of Rule 17a-15

In the matter of Spokane Stock Exchange, Spokane, Washington 99204; Intermountain Stock Exchange, 39 Exchange Place, Salt Lake City, Utah 84111; Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Illinois 60604; Quotron Systems, Inc., c/o O'Melveny & Myers, 611 West Sixth Street, Los Angeles, California 90017; GTE Information Systems, Inc., 1 Stamford Forum, Stamford, Connecticut 06904; and Bunker Ramo Corp., Trumbull Industrial Park, Trumbull, Connecticut 06609.

Notice is hereby given that supplemental information has been filed by GTE Information Systems, Inc., and Bunker Ramo Corporation in support of their applications pursuant to paragraph (h) of rule 17a-15 under the Securities Exchange Act of 1934 for exemptions from various provisions of rule 17a-15.[1] Rule 17a-15 provides for the reporting of volume and prices of completed transactions with respect to securities registered on exchanges. Paragraph (h) of Rule 17a-15 provides that the Commission may "exempt from the provisions of [the] rule, either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer, vendor or specified type of security if [it] determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer, vendor or type of security be subject to the provisions of [the] Rule." The supplemental filings contain certain financial and other information relating to the appropriateness of the exemption requests. All interested persons are referred to the applications and supplements on file with the Commission for a statement of the representations contained therein.

Notice is further given that any interested person may, not later than September 14, 1973, submit to the Commission written comments on the supplemental filings. Any such communication should refer to File No. 23-1 and should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-18536 Filed 8-30-73;8:45 am]

[1] Notice of the applications, including a summary of the representations contained therein, was given in Securities Exchange Act Release No. 10135 (May 4, 1973).

SMALL BUSINESS ADMINISTRATION

[Proposed License 02/02-0302]

SYNERGY CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1973)) under the name of Synergy Capital Corporation (Synergy), 810 Porter Place, Woodmere, Long Island, New York 11598, for a license to operate in New York as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), and the rules and regulations promulgated thereunder.

The proposed officers and directors and major shareholders are as follows:

Names and addresses	Title	Percentage of shares beneficially owned
Alvin Abrams, 810 Porter Pl., Woodmere, N.Y. 11598.	President, Director, Treasurer.	60%
David Abrams, 180 West End Ave., New York, N.Y. 10023.	Vice President, Secretary, Director.	-0-

It is proposed to obtain Synergy's private capital through the sale of its common stock to a maximum of 20 investors. The company will begin operations with an initial capital of $310,000 consisting of 100,000 shares at $1.00 per share, and 105,000 shares at $2.00 per share to the original subscribers. The proposed location of the Licensee is Room 2-A, 76 South Central Avenue, Valley Stream, New York 11580.

The applicant will establish a broad financing policy in order to meet the diverse requirements of prospective applicants. However, emphasis will be placed on equity investments with attention to growth potential. The applicant will conduct its operations primarily in New York State, and the major portion of its business is expected to be outside of New York City.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed licensing of this company. Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Valley Stream, New York.

Dated: August 23, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-18414 Filed 8-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 117]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 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 Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 6607 (sub-No. 13 TA) filed August 17, 1973. Applicant: J. J. MINNEHAN, INC., Libby Road, Box 433, Scarborough, Maine 04074. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends of sugar with other sweeteners*, and *corn products and blends of corn products with other sweeteners*, in bulk, in tank vehicles, from Boston, Mass., to Naugatuck, Conn., for 180 days. Supporting Shipper: Revere Sugar Refinery, 333 Medford Street, Charlestown, Mass. 02129. Send Protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 41116 (sub-No. 47 TA), filed August 14, 1973. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, P.O. Box 1504, Crowley, La. 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* (Refrigerated Grade) in tank vehicles, from the plantsite of Monsanto Company located at Luling, La., to Houston, Tex., for 180 days. Supporting Shipper: Monsanto Company 800 North Lindberg, St. Louis, Mo. 63166, Mr. Robert W. Bradshaw, Supervisor Bulk Transportation. Send Protests to: Ray C. Armstrong, Jr. District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106278 (sub-No. 34 TA), filed August 16, 1973. Applicant: E. B. LAW AND SON, INC., 300 South Archuleta Road, P.O. Box 1381, Las Cruces, N. Mex. 88001. Applicant's representative: G. H. Sanger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, (1) from Artesia, N. Mex., to Phoenix, Ariz., and (2) from El Paso, Tex., to Tucson, Ariz., for 180 days. Supporting Shippers: Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001, and Tucson Gas & Electric Company, 220 West Sixth Street, Tucson, Ariz. 85702. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 112750 (sub-No. 300 TA), filed August 10, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between Quincy, Ill., and Fort Madison, Iowa, and (2) between Chicago, Ill., and Evansville, Ind., for 90 days. Supporting shippers: (1) The Citizens National Bank of Evansville, Evansville, Ind., and (2) The Citizens National Bank of Decatur, Landmark Mall, Decatur, Ill. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116457 (sub-No. 13 TA), filed August 17, 1973. Applicant: GENERAL TRANSPORTATION, INCORPORATED, P.O. Box 670, Springerville, Ariz. 85938. Applicant's representative: Donald Parker Cosby, P.O. Box 189, Eagar, Ariz. 85925. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products including particle board*, from points in Arizona, to points in Utah, Colorado, Kansas, and Missouri, for 180 days. Supporting shipper: J & M Lumber Inc., P.O. Box 1328, Reno, Nev. 89504, and Fleishel Lumber Company, 11048 Manchester Road, Saint Louis, Mo. 63122, and Southwest Forest Industries Inc., 3443 North Central Avenue, Phoenix, Ariz. 85013. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 4327 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 116457 (sub-No. 14 TA), filed August 17, 1973. Applicant: GENERAL TRANSPORTATION, INCORPORATED, P.O. Box 670, Springerville, Ariz. 85938. Applicant's representative: Donald Parker Crosby, P.O. Box 189, Eagar, Ariz. 85925. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, roofing, roofing products, composition and prepared roofing, insulation materials, and materials and equipment* necessary and incidental to the installation of the above-named items, no delivery will be made in tank vehicles, (1) from points in Colorado, Kansas, Missouri, Arkansas, to points in Arizona, Nevada and New Mexico; (2) from points in Texas (excluding Dallas and Houston) and Oklahoma (excluding Stroud), to points in Nevada, Arizona, and New Mexico; and (3) from points in Missouri, Arkansas, Texas, and Oklahoma, to points in Colorado, for 180 days. Supporting shipper: Roofing Wholesale Co., Inc., 1918 West Grant Street, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 123392 (sub-No. 57 TA), filed August 17, 1973. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in bulk, in cryogenic trailers, from points at or near Cape Kennedy, Mims, and West Palm Beach, Fla., to NASA Research Center, Hampton, Va., for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, OTJAG, Washington, D.C. 20310. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 125023 (sub-No. 17 TA), filed August 16, 1973. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Fort Wayne, Ind., to points in West Virginia, for 180 days. Supporting shipper: Falstaff Brewing Corp., 5050 Oakland Avenue, St. Louis, Mo. 63110. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 129480 (sub-No. 9 TA), filed August 17, 1973. Applicant: TRI-LINE EXPRESSWAYS, LTD., P.O. Box 5245 Station A, 550 71st Avenue SE., Calgary, Alberta, Canada. Applicant's representative: Hugh Sweeney, Mutual Benefit Life Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burned clay brick, vitrified clay pipe and joints, and vitrified clay flue lining*, from the international boundary line between the United States and Canada situated in the State of Minnesota, to points in Minnesota, for 180 days. Supporting shipper: I-XL Industries, Ltd., P.O. Box 70, Medicine Hat, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134477 (sub-No. 35 TA), filed August 17, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia, for 180 days. Supporting shipper: Western Potato Service, Inc., P.O. Box 518, Grand Forks, N. Dak. 58201. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448

Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138892 (sub-No. 1 TA), filed August 17, 1973. Applicant: BRUCE D. KING, 202 Cliff Street, Mohawk, Mich. 49950. Applicant's rpresentative: Robert W. Hansley, 120 North Sixth Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and bark*, in bulk, from points in Keweenaw County, Mich., to Goodman, Wis. and Mellen, Wis., including points within a 2-mile radius of each point of destination, for 180 days. Supporting shipper: Goodman-Staniforth Division, Universal Oil Products, Inc. 2501 14th Avenue South, Escanaba, Mich. 49829. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 138928 (sub-No. 1 TA), filed August 17, 1973. Applicant: WESTERN TRANSPORTATION, INC., 708 North Main Street, Lamar, Colo. 81052. Applicant's representative: Doyle C. Tucker, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Colorado, on the one hand, and, points in Kansas and Oklahoma and that part of Texas lying north of a tier of counties consisting of Parmer, Castro, Swisher, Briscoe Hall, and Childress on the other, for 180 days. Supporting shippers: Hilltop Service, Springfield, Colo. 81073; Traveler Oil Company, Lamar, Colo. 81052; Ramel's Mobil, Vilas, Colo. 81087; Wallace Oil Company, Box 1107, Lamar, Colo. 81052; Springfield Coop Sales, 288 West 13th, Springfield, Colo. 81073. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 138933 (sub-No. 1 TA), filed August 13, 1973. Applicant: DEUTZ & CROW CONCRETE CORP., Marshall, Minn. 56258. Applicant's representatives: Johnson & Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in pneumatic trailers, from Sioux Falls, Watertown, Chamberlain, and Aberdeen, S. Dak.; the Des Moines, Iowa, commercial zone and Mason City, Iowa; Minneapolis and Burnsville, Minn., to Madison, Canby, Marshall, Luverne, Worthington, and Jackson, Minn.; Estherville and Swea City, Iowa, for 180 days. Supporting shipper: Deutz & Crow Co., Inc., 800 West College Drive, Marshall, Minn. 56258. Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 138982 (sub-No. 1 TA), filed August 13, 1973. Applicant: NEW (TRANS) PORT, INC., P.O. Box 188, Highway 17S, Riceboro, Ga. 31323. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reject fibres*, from the facilities of ITT Rayonier at or near Fernandina Beach, Fla., to the facilities of ITT Rayonier at or near Jesup, Ga., for 180 days. Supporting shipper: ITT Rayonier, Inc., P.O. Box 528, Jesup, Ga. 31545. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 138998 TA, filed August 17, 1973. Applicant: BEE CEE BOAT MOVERS LTD., 771 Forsman Avenue, North Vancouver, B.C. Canada. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park E., Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* on especially constructed trailers, between points in Washington west of the Cascade Mountain range and the International Boundary line, between the United States and Canada at or near Blaine, Lynden, or Sumas, Wash., for 180 days. Supporting shippers: Cruise-A-Home, Ft. Phillip, North Vancouver, B.C. Canada, Doug's New & Used Boats, Ltd., 765 West 16th Street, North Vancouver, B.C. Canada; Fairtide Industries Ltd., 7048 Hudson Street, North Vancouver, B.C. Canada (14); and Western Chris Craft Sales, Ltd., 5776 Marine Drive, Fisherman's Cove, West Vancouver, B.C. Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 138996 TA, filed August 15, 1973. Applicant: HUNT's TRUCKING, INC., 112 Sunset Drive, Gallatin, Tenn. 37066. Applicant's representative: Robert L. Baker, 500 Court Square Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fabric woven from synthetic fibers and synthetic yarn*, from Waynesboro, Va., to points in North Carolina, South Carolina, and Georgia, for 180 days. Supporting shipper: Thiokol, Fibers Division, Box 460, Waynesboro, Va. 22980. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 138024 (sub-No. 2 TA), filed August 17, 1973. Applicant: MAYNARD ROTRUCK, Route #3, Box 143D, Rawlings, Md. 21557. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Westernport, Md., and Cumberland, Md., serving all intermediate points, over the following routes: from Westernport, over Maryland Highway 36, across the Potomac River, to Piedmont, W. Va., then over W. Va. Highway 46 to Keyser, W. Va., thence over U.S. Highway 220, to Cumberland, Md., and return over the same routes, for 180 days. Supporting shipper: Various residents in the Keyser, W. Va. area. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-18570 Filed 8-30-73;8:45 am]

[Notice No. 344]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 20, 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-74568. By order of August 24, 1973, the Motor Carrier Board approved the transfer to Thompson Transport Systems, Inc., Bakersfield, Calif., of Certificate of Registration No. MC-121692 issued November 15, 1972 to Jack Thompson Trucking, Inc., Bakersfield, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity granted in Decision No. 60965, as amended, issued by the Public Service Commission of California. Errol G. Shaw, 330 H St., Bakersfield, Calif. 93304, attorney for applicants.

No. MC-FC-74595. By order of August 24, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to R. C. Filkins, Inc., Dalton, Mass., of a portion of the Certificate No. MC-116647 (sub-No. 3), issued to Carl B. Liebnow, Inc., Cummington, Mass., authorizing the transportation of: Lime and limestone products, from points in Berkshire County, Mass., to points in Connecticut and New York. Thomas W. Murrett, attorney, 342 N. Main St., W. Hartford, Conn. 06117.

No. MC–FC–74620. By order of August 23, 1973, the Motor Carrier Board approved the transfer to Dick's Trucking, Inc., Spenard, Alaska, of Certificate No. MC–118516 (sub-No. 2), issued to DeJong Trucking, Inc., Renton, Wash., authorizing the transportation of: General commodities, usual exceptions, between specified points in Alaska. George R. LaBissoniere, attorney, 130 Andover Park, E. Seattle, Wash. 98188.

No. MC–FC–74626. By order of August 23, 1973, the Motor Carrier Board approved the transfer to John W. Nelson, Doing Business As Nelson Trucking, Atkinson, Ill., of Permit No. MC–134760 (sub-No. 2) issued to Phillip W. Slightom, Doing Business As P. & B. Trucking, Bettendorf, Iowa, authorizing the transportation of: Construction materials, except in bulk, between Davenport, Iowa, and points in Illinois. James J. Coryn, attorney, 312 1st Nat. Bank Bldg., Rock Island, Ill. 61201.

No. MC–FC–74644. By order of August 23, 1973, the Motor Carrier Board approved the transfer to B. & B. Trucking Company, Inc., P.O. Box 744, Kimball, Nebr. 69145, of Certificate No. MC–65105 issued to George L. Bradt, Doing Business As B. & B. Trucking Company, Kimball, Nebr. 69145, authorizing the transportation of Livestock and agricultural commodities, and other specifically named commodities, between specified points in Nebraska, Colorado, and Wyoming.

No. MC–FC–74653. By order of August 23, 1973, the Motor Carrier Board approved the transfer to Richardson Brothers Moving & Storage, Inc., Bristol, Conn., of the operating rights in Certificate No. MC–72730 and MC–72730 (sub-No. 1), issued July 6, 1949 and September 18, 1972, respectively, to Ernest Richardson, doing business as Richardson Brothers, Bristol, Conn., authorizing the transportation of various commodities from, to and between specified points and areas in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-18571 Filed 8-30-73;8:45 am]

[Notice No. 332]

ASSIGNMENT OF HEARINGS

AUGUST 28, 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.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now assigned September 10, 1973, at Houston, Texas is postponed indefinitely.

MC–F–11866, Mid-States Trucking Co.—Control and Merger—(A) Govan Express, Inc., and (B) Denton Produce, Inc., now assigned September 13, 1973, at Dallas, Tex., is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-18569 Filed 8-30-73;8:45 am]

federal register

FRIDAY, AUGUST 31, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 169

PART II

COST OF LIVING COUNCIL

■

PHASE IV PAY REGULATIONS

Title 6—Economic Stabilization

Chapter I—Cost of Living Council

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Recodified Pay Rules for Phase IV

Part 152 is added to Title 6, Chapter I of the Code of Federal Regulations to read as follows:

Subpart A—General

Sec.
152.1 Scope.
152.2 Definitions.
152.3 Determination of base rates subsequent to reductions in wages and salaries.
152.4 Pay adjustments subsequent to reduction in wages or salaries.
152.5 Pay submissions to the Council.

Subpart B—Pay Adjustments Subject to Voluntary Controls

152.11 Standards.
152.13 General wage and salary standard.
152.14 Retroactive pay adjustments for work performed on or before January 10, 1973.

Subpart C—Voluntary Sector Reporting and Recordkeeping

152.21 Scope.
152.22 Pay adjustments to be reported; reporting requirements.
152.23 Pay adjustments subject to recordkeeping; recordkeeping requirements.
152.24 Imposition of prenotification requirement.
152.25 Special reports of pay adjustments.

Subpart D—Exemptions From Controls

152.31 Scope.
152.32 Low wage employees.

Subpart E—Small Business Exemption

152.41 Exemption of firms with 60 or fewer employees.

Subpart F—Challenge Procedures

152.51 Purpose and scope.
152.52 General.
152.53 Notice of challenge.
152.54 Temporary orders.
152.55 Public hearings.
152.56 Reply.
152.57 Order.
152.58 Modification or recission.

Subpart G—Reassertion of Mandatory Controls

152.61 Purpose and scope.
152.62 Issuance of special rules.
152.63 Public hearings.

Subpart H—Special Rules Applicable to the Food Industry

152.71 Scope.
152.72 Pay adjustments affecting employees in the food industry.
152.73 Prenotification and reporting requirements for pay adjustments made after 9 p.m., e.s.t., March 29, 1973.
152.74 Procedures for prenotification and reporting.
152.75 Interim rules for the period ending October 31, 1973.

Subpart I—Special Rules Applicable to Providers of Health Services

152.91 Scope.
152.92 Pay adjustments affecting employees in the health industry.
152.93 Submissions to the Council.

Subpart J—Special Rules Applicable to the Construction Industry

152.101 Scope.
152.102 Definitions.
152.103 Pay adjustments affecting employees in the construction industry.
152.104 Prenotification and reporting requirements after June 12, 1973.
152.105 Procedures for reporting.
152.106 Off-site and other employees.
152.107 Nonunion construction employees.

Subpart K—Executive and Variable Compensation [Reserved]

Subpart L—Violations, Sanctions, Fines, and Penalties

Sec.
152.151 Violations.
152.152 Criminal fine.
152.153 Civil penalty.
152.154 Injunctions and other relief.

APPENDIX—Cross Reference Table.

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Subpart A—General

§ 152.1 Scope.

(a) This part supersedes the provisions of Part 101 and Chapter II (Pay Board Regulations), and Part 130 of this title, except insofar as hereinafter provided with respect to the food industry, the health industry, and the construction industry, and except with respect to executive and variable compensation. However, the provisions of Chapter II of this title serve as a guide in applying the general pay standards set forth in subpart B of this part.

(b) Renegotiation provisions in wage or salary contracts, which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative on the same ground. This part shall not operate to permit:

(1) A retroactive wage or salary increase for work performed while wages and salaries were subject to past or present provisions of this title, or

(2) A prospective increase in wages and salaries under the terms of an employment contract subject to a decision and order issued at any time pursuant to this title, except to an extent consistent with such decision and order.

§ 152.2 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Annual sales or revenues" means the total gross receipts of a firm during the most recently completed fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. exports sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales of revenue.

"Appropriate employee unit" means a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or a department thereof, or in a company, or in an industry, or in a government unit or in an agency, or instrumentality thereof, and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

"Code" means the Internal Revenue Code of 1954, as amended.

"Control year" means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.52 of this title.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., p. 199) and continued under the provisions of Executive Orders 11695 and 11730, or his delegate.

"Employee" includes any individual residing in a State or the District of Columbia who is either an employee within the meaning of section 3121(d) of the Code, or an agent-driver or commission-driver engaged in the distribution of milk for his principal, or an employee within the meaning of the National Labor Relations Act, as amended, 29 U.S.C. §§ 151 et seq.

"Employer" means a firm which employs one or more individuals who are employees within the meaning of this section.

"Employment contract" or "contract" means a collective bargaining agreement or an individual contract of employment.

"Exception" means a waiver directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation, or order issued pursuant to the act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the act.

"Firm" means any individual, company, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including Federal agencies, departments, corporations and other instrumentalities, and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents. An entity directly or indirectly controlled by any other entity listed in the first sentence of this definition is not a firm. Whenever the Council considers it appropriate, it may treat as a firm any, part, or all of the entities which comprise the firm.

"Food" means items produced or manufactured for human ingestion except alcoholic beverages, tobacco products, or drugs. An item is not food within the meaning of this definition until it enters into a processing stage where it is intended for use as or in a product for human ingestion.

"Food operations" means the growing, harvesting, manufacture, production, raising, packaging, storage, distribution, transportation, or sale of food or the rendering of administrative or support functions for such activities.

"Pay adjustment" means a change in wages and salaries which includes all forms of direct and indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including but not limited to: Vacation and holiday payments; bonuses; layoff and severance pay plans; supplemental unemployment benefits; night shift, overtime, and incentive pay; employer contributions for insurance plans (but not including Federal public plans, e.g. old-age, survivors, health, and disability insurance under the social security system, Railroad Retirement Acts, Federal Insurance Contributions Acts, Federal Unemployment Tax Acts, and Civil Service Retirement Acts, and not including any workman's compensation or unemployment insurance plan pursuant to State law whether the participation of the employer is optional or obligatory), savings, pension, profit sharing, annuity funds, and other deferred compensation and welfare benefits (including payments to or on behalf of retirees); payments in kind; job perquisites; housing allowances; uniform and other work clothing allowances (but not including employer-required uniforms and work clothing whether or not for safety purposes); cost-of-living allowances; commission rates; stock options; fringe benefits; and benefits which result in more pay per hour or other unit of work or production (e.g. by shortening the workday without a proportionate decrease in pay). Notwithstanding the foregoing definition of pay adjustment, increases in contributions by any employer for:

(a) Any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

(b) Any group insurance plan; or

(c) Any disability and health plan;

are not to be considered increases in wages and salaries unless such contributions are determined to be unreasonably inconsistent with the standards issued pursuant to section 203(b) of the Act.

"Pay Board" means the Board established pursuant to section 7 of Executive Order 11627 (3 CFR, 1971 Comp., p. 218).

"Prenotification" means notice submitted to the Council relating to a proposed pay adjustment.

"Report" means notice submitted to the Council relating to a pay adjustment put into effect.

§ 152.3 Determination of base rates subsequent to reductions in wages or salaries.

A wage or salary increase payable with respect to a job or an appropriate employee unit pursuant to a collective-bargaining agreement entered into or a pay practice established after January 10, 1973, shall be computed by taking into account a base wage or salary rate (or level of compensation) that does not exceed the rate (or level) permitted to be paid with respect to such job or such unit pursuant to a decision and order issued by the Pay Board or the Council or pursuant to the operation of any regulation or ruling issued under the Economic Stabilization program.

§ 152.4 Pay adjustments subsequent to reduction in wages or salaries.

(a) *General.*—If—

(1) A wage or salary rate for a job, or

(2) An annual aggregate wage or salary increase with respect to an appropriate employee unit,

payable with respect to a control year pursuant to a contract or pay practice, was reduced as a result of a decision and order of the Pay Board or the Council or the operation of any regulation or ruling issued under the Economic Stabilization program, it shall be unlawful as unreasonably inconsistent with the standards and goals of such program to pay or receive in a succeeding control year, without prior approval of the Council, pursuant to such contract or pay practice, a wage or salary rate for the same job (if a rate for a job was reduced) or a wage or salary increase with respect to such unit (if an annual aggregate increase was reduced) that does not reflect such prior reduction. Notwithstanding the preceding sentence, this section shall not operate to prevent an annual aggregate wage and salary increase for a unit which is not in excess of the general wage and salary standard in effect prior to January 11, 1973.

(b) *Application for approval.*—In specific situations, payment of a wage or salary rate or a wage or salary increase which does not reflect a prior reduction, as required under paragraph (a) of this section, may be appropriate. An application for approval of such a rate or such an increase may be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council. Payment of such a rate or such an increase or a portion thereof may be approved only upon a demonstration by means of written documentation that historical relationships have been distorted or gross inequities have been created by a decision and order of the Pay Board or the Council or by operation of any regulation or ruling issued under the Economic Stabilization program. Payment of such a rate or such an increase shall be considered to be approved by the Council if the Council takes no action with respect to such payment within 60 days after receipt of an application submitted under the provisions of this paragraph.

(c) *Increases paid prior to May 30, 1973.*—In the case of a wage or salary rate for a job, or a wage or salary increase with respect to an appropriate employee unit, referred to in paragraph (a) of this section, paid after January 10, 1973, and prior to May 30, 1973, without taking into account a prior reduction, the payment or receipt thereof prior to May 30, 1973, shall not be a violation under the act solely because of such failure to take into account a prior reduction. However, any such rate or increase put into effect after January 10, 1973, and prior to May 30, 1973, must be reported to the Council on forms prescribed by and pursuant to instructions issued by the Council not later than June 29, 1973. The failure to make such a report shall constitute a violation under the act. Upon review of such a report, the Council may by order direct the reduction of such rate or increase to an appropriate level consistent with the provisions of this section.

(d) *Service.*—An employer or employer association making any submission to the Council under the provisions of this section shall at the same time serve copies of each such submission on the collective bargaining agent, if any, for the affected employee unit. If such a submission is made by a collective bargaining agent for the employee unit, such collective bargaining agent shall at the same time serve copies of each such submission on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(e) *Submissions to the Council*—(1) *General.* Except as provided in paragraph (e)(2) of this section, a report or application submitted under the provisions of this section shall be sent to Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

(2) *Special addresses.* A report or application submitted under the provisions of this section, with respect to pay adjustments affecting employees in the food industry, shall be sent to Office of Wage Stabilization, P.O. Box 6185, Washington, D.C. 20044. A report or application with respect to pay adjustments affecting employees in the health industry shall be sent to Office of Wage Stabilization, P.O. Box 472, Washington, D.C. 20044.

(3) *Appropriate address required.* An application not sent to the appropriate address may not be considered received for purposes of the last sentence of paragraph (b) of this section.

§ 152.5 Pay submissions to the Council.

(a) *General.*—Unless otherwise provided in this part or by order of the Council, a prenotification, report, challenge, or request for approval of a pay adjustment submitted to the Council shall be made using the Council's Form PB-3 (or optional Form PB-3A, for units containing fewer than 1,000 employees). Such form shall be completed according to instructions issued by the Council. In addition, any such submission shall include the supplemental information described in paragraph (b) of this section. The requirements imposed under the provisions of paragraph (b) of this section shall not be considered to modify the Form PB-3 or PB-3A or the instructions thereto, or the manner in which such forms are to be completed. Unless otherwise provided in this part, the provisions

of this section shall not apply to submissions under the provisions of subpart J (Special Rules Applicable to the Construction Industry) or subpart K (Executive and Variable Compensation) of this part. Further, unless otherwise provided in this part, the requirements imposed under the provisions of paragraph (b) of this section shall not be applicable to submissions with respect to pay adjustments affecting employees in the food industry.

(b) *Supplemental information.* (1) *Narrative description of all changes with potential economic impact.* (i) *Wages, salaries and benefits.*—Specify both the old and new wage and salary and benefit levels, as well as the extent of such changes within the following categories:

(A) *Straight-time hourly rates.*—Straight-time hourly rates, including, but not limited to:

(*1*) Pattern of base pay increase, e.g., merit increases on a variable timing basis; across the board, occupational differences, etc. Describe increases in terms of percent and cents per hour increases;

(*2*) Basis of cost of living adjustments, limitations on adjustments, formula for adjustments, and total as well as time-weighted estimates of these adjustments;

(*3*) Individual occupational rate changes resulting from consideration of factors such as rate inequities, job evaluation plan changes, skill or craft rate adjustments, etc.:

(*4*) Changes affecting rates of pay or costs under production incentive programs;

(*5*) Progression program increase changes such as accelerated step changes or accelerated automatic changes between job levels, etc.; and

(*6*) Reduction in scheduled hours worked which affects the base rate.

(B) *Included benefits.*—Included benefits (with changes expressed in cents per hour), including, but not limited to:

(*1*) Premium pay for overtime, shift work, weekend and holiday work, special schedules, etc.;

(*2*) Vacation and holiday provisions such as eligibility requirements, compensation provided, amounts of time off provided, etc.;

(*3*) Pay for time off such as sick leave, bereavement, military, jury duty, etc.;

(*4*) Severance pay, supplemental unemployment benefit plans, or other pay for terminated employees, etc.;

(*5*) Pay-as-you-go pension plans;

(*6*) Paid rest, wash-up and meal time; and

(*7*) Major subsidized training and educational programs.

(C) *Qualified benefits.*—Qualified benefits, including, but not limited to:

(*1*) Pension plan eligibility requirements, benefit level, vesting provisions, survivor benefits, contributory rates, etc.;

(*2*) Health insurance eligibility requirements, dependent coverage, type and level of benefits, contributory rates, etc.;

(*3*) Life insurance eligibility requirements, type and levels of benefits, contributory rates, etc.;

(*4*) Disability insurance eligibility requirements, type, level and duration of benefits, contributory rates, etc.;

(*5*) Sickness and accident benefits; and

(*6*) Changes in other qualified benefit plans such as employee savings plans, etc.

(D) *Other changes.*—Other changes with potential significant economic impact, including, but not limited to:

(*1*) Occupational lines of demarcation;

(*2*) Crew size;

(*3*) Apprentice-journeyman ratios;

(*4*) Temporary assignment rules;

(*5*) Overtime scheduling requirements;

(*6*) Other work rule or pay practice changes; and

(*7*) Geographic adjustments or allowances.

(ii) *Differential treatment.*—Where specific employee groups within an appropriate employee unit are treated differentially, this should be noted and the reasons given. Provide both the old and new levels as well as the extent of all changes in straight-time hourly rates, included benefits, qualified benefits, and other changes with potential significant economic impact, for each employee group treated differently. An employee group is a subgroup of an appropriate employee unit and may be determined by skill, occupation, job grade or level, geographic location, or organization, etc.

(2) *Information on changes in pay rates*—

(i) For represented employees not covered by an established merit pay plan, submit a copy of the collective bargaining agreement covering the changes in pay rates, and a copy of the prior succeeded agreement, if any.

(ii) For nonrepresented employees not covered by an established merit pay plan, submit appropriate documentation in lieu of a collective bargaining agreement.

(iii) For employees covered by an established merit pay plan, submit a description of the plans, practices and controls used to govern wage and salary increases.

(iv) For purposes of paragraphs (b)(2)(i) and (ii) of this section, include sufficient information to describe any change in rates of pay except that where rate information is treated as confidential and regarded as proprietary, data which reflect the average changes in pay may be submitted.

(v) If pay adjustments are to be made differentially across groups, submit additional information indicating the amounts and reason for such expenditures and expressing amounts in both cents per hour and percentages.

Subpart B—Pay Adjustments Subject to Voluntary Controls

§ 152.11 Standards.

This subpart establishes standards for private behavior which are intended to be applied voluntarily and on a self-administered basis and which are consistent with achieving the national goals of the economic stabilization program. The standards do not apply to pay adjustments affecting employees in the food industry, the health services industry, or the construction industry.

§ 152.13 General wage and salary standard.

The general wage and salary standard is a 5.5 percent increase per annum. The standard shall apply to any pay adjustment payable with respect to an appropriate employee unit after January 10, 1973. Adjustments in excess of the standard may be made only as necessary to reflect qualified fringe benefits or to prevent gross inequities, serious market disruptions, or localized shortages of labor. The policies and principles, including the computation methods, contained in the Pay Board's regulations in effect on January 10, 1973, can be used in applying the standard. No wage or salary increase should be placed into effect which is unreasonably inconsistent with the standard or the goals of the Economic Stabilization Program.

§ 152.14 Retroactive pay adjustments for work performed on or before January 10, 1973.

(a) *General.*—Subject to the provisions of this section, an increase in wages and salaries with respect to employees subject to the standards for voluntary compliance set forth in this subpart may be paid retroactively for work performed on or before January 10, 1973, as follows:

(1) To the extent that an annual aggregate wage and salary increase with respect to an appropriate employee unit (taking into account only increases scheduled to be paid for work performed on or before January 10, 1973), does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect prior to January 11, 1973), such increase may be paid.

(2) To the extent that an increase is in excess of the increase permitted to be paid under the provisions of paragraph (a)(1) of this section, such increase may be paid if the parties at interest determine that such increase is justified under the criteria for approval of exceptions to the general wage and salary standard set forth in the policies, rules, and regulations of the Council and the Pay Board in effect prior to January 11, 1973.

(b) *Report.* (1) *Content.*—A report of a wage and salary increase put into effect under the provisions of paragraph (a)(2) of this section shall be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council, not later than 10 days after such increase is put into effect. The report shall include a statement of the facts and other pertinent information sufficient to enable the Council to review the basis for the wage and salary increase under the applicable criteria. In addition—

(i) *Collective bargaining agreements.*—A report of pay adjustments pursuant to a collective bargaining agreement shall include copies of such agreement and the prior succeeded agreement, if any, and a summary of such pay adjustments.

(ii) *Pay practices.*—A report of pay adjustments pursuant to a pay practice shall include a summary of such pay adjustments.

(2) *Control year.*—A report submitted under the provisions of this paragraph shall include all pay adjustments paid, or scheduled to be put into effect during the control year with respect to which the retroactive payment is made.

(c) *Consideration by the Council.*—Wage and salary increases which are reported to the Council pursuant to the provisions of paragraph (b) of this section shall be reviewed by the Council under the policies, rules and regulations of the Council and the Pay Board in effect prior to January 11, 1973. The Council may by order direct the repayment of all or a portion of such increases, prescribe specific wage or salary levels, prospectively, or impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization program. An order issued by the Council under the provisions of this paragraph may apply to the period ending January 10, 1973, or to one or more control years, including periods of time after January 10, 1973.

(d) *Special rule.*—If a proposed retroactive wage and salary increase is in excess of the increase permitted to be paid under the provisions of paragraph (a)(1) of this section, and the parties at interest are unable to determine that such increase may be paid under the provisions of paragraph (a)(2) of this section, a party at interest may submit an application for exception with respect to such increase to the Council. The Council will consider such application under the policies, rules, and regulations of the Council and the Pay Board in effect prior to January 11, 1973. The Council may by order defer the implementation of such increase, approve such increase, prescribe reductions in such increase, prescribe specific wage or salary levels prospectively, or impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization program. An order issued by the Council under the provisions of this paragraph may apply to the period ending January 10, 1973, or to one or more control years, including periods of time after January 10, 1973.

(e) *Inapplicability.*—The provisions of this section shall not be applicable to—

(1) Any pay adjustment with respect to which a prenotification or exception request was filed with the Pay Board or its delegate on or before January 10, 1973;

(2) Any pay adjustment with respect to a control year covered by the terms of a decision and order issued by the Pay Board or its delegate or by the Council or

(3) Any payment or award with respect to executive and variable compensation of the types described in subpart K of this part, whether or not such payment or award is treated as a wage and salary increase.

(f) *Service.*—An employer or employer association making any submission to the Council under the provisions of this section shall at the same time serve copies of each such submission on the collective bargaining agent, if any, for the affected employee unit. If such a submission is made by a collective bargaining agent for the employee unit, such collective bargaining agent shall at the same time serve copies of each such submission on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(g) *Voluntary compliance after January 10, 1973.*—Application of Phase II standards by the parties or by the Council under the provisions of this section shall extend only to the period ending January 10, 1973. Payment of wages or salaries after such date remains subject to the rules for self-administration and voluntary compliance set forth at section 152.13 and elsewhere in this part, even if retroactive payments are made with respect to work performed on or before such date pursuant to the provisions of this section. In all cases, payment of wages or salaries for work performed after January 10, 1973, remains subject to the challenge procedures set forth in subpart F of this part, whether or not any orders are issued by the Council under the provisions of this section.

(h) *Liability for violations.*—The operation of this section shall not be deemed to relieve any person of liability arising from any violation which has been committed under the Act or the regulations in this title.

(i) *Submissions to the Council.*—A report or application for exception submitted under the provisions of this section must be sent to Office of Wage Stabilization, PO Box 672, Washington, D.C. 20044.

Subpart C—Voluntary Sector Reporting and Recordkeeping

§ 152.21 Scope.

The provisions of this subpart apply to all pay adjustments that are subject to the provisions of Subpart B of this Part.

§ 152.22 Pay adjustments to be reported; reporting requirements.

(a) A pay adjustment which applies to or affects 5,000 or more employees must be reported to the Council within 10 days after such adjustment has been put into effect. For purposes of this section, individual increases which apply to or affect an appropriate employee unit of 5,000 or more employees and are paid on a random or variable timing basis (e.g., pursuant to a merit plan) shall be reported for an appropriate 12-month period within 10 days after the first individual increase has been put into effect.

(b) Reports of such pay adjustments shall be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council.

§ 152.23 Pay adjustments subject to recordkeeping; recordkeeping requirements.

(a) A pay adjustment which applies to or affects 1,000 or more employees is subject to recordkeeping requirements.

(b) Records with respect to each such pay adjustment shall be maintained on forms prescribed by and pursuant to instructions issued by the Council.

§ 152.24 Imposition of prenotification requirement.

(a) *General.*—Subject to the provisions of this section, the Council may require, with respect to a proposed or scheduled pay adjustment applicable to or affecting a specific firm or appropriate employee unit, that such pay adjustment shall not be put into effect until 30 days after prenotification of such pay adjustment has been received by the Council.

(b) *Applicability.* — Prenotification pursuant to the provisions of paragraph (a) of this section may be required if the Council has reason to believe that—

(1) A proposed or scheduled pay adjustment, whether pursuant to a collective bargaining agreement or pay practice, may be in excess of the general wage and salary standard set forth in § 152.13.

(2) Such pay adjustment, if put into effect, may unduly influence the collective bargaining process in a destabilizing manner or may affect pay adjustments applicable to or affecting other firms or appropriate employee units; and

(3) Such pay adjustment appears to be unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(c) *Control year.*—A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall include all pay adjustments put into effect, scheduled, or proposed to be put into effect with respect to the applicable control year, determined pursuant to § 201.52 of this title.

(d) *Service.*—An employer submitting a prenotification under the provisions of paragraph (a) of this section shall at the same time serve a copy of each such submission on the collective bargaining agent, if any, for the affected employee unit.

(e) *Receipt by Council.*—A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall be addressed to Office of Wage Stabilization, Cost of Living Council, Washington, D.C. 20508. Such prenotification shall not be considered submitted until actually received at such address.

(f) *Content of prenotification.* (1) *General.*—A prenotification submitted pursuant to the provisions of this section shall be submitted by the employer on

the Council's Form PB-3, pursuant to instructions issued by the Council. In addition, such prenotification shall include the supplemental information described in § 152.5(b). The Council may, under the circumstances of a specific case, waive one or more of the foregoing requirements in whole or in part, or may require the submission of additional information.

§ 152.25 Special reports of pay adjustments.

Whenever the Cost of Living Council considers it necessary for the effective administration of the economic stabilization program, it may order any person to file special or separate reports, setting forth information relating to the economic stabilization program, in addition to any other reports required by this part.

§ 152.26 Submissions with respect to State and local governments.

Any submission with respect to pay adjustments affecting employees of a State or local government, to be put into effect on or after July 1, 1973, must be sent to Office of Wage Stabilization, P.O. Box 6194, Washington, D.C. 20044.

Subpart D—Exemptions From Controls

§ 152.31 Scope.

Pay adjustments with regard to the wages and salaries set forth in this section are exempt from and not included in the coverage of this title.

(a) *Federal pay adjustments.*—Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives, including therein pay adjustments in the compensation and allowances of members of the Armed Forces; employees of the Judicial and of the Legislative Branch of the Federal Government: *Provided, however,* This section shall not exempt pay adjustments affecting employees of the U.S. Postal Service.

(b) *Pay adjustments affecting certain U.S. citizens.*—Pay adjustments which apply to or affect U.S. citizens who reside and are employed outside the United States and the District of Columbia.

(c) *Professional athletes.* (1) *General.*—Pay adjustments of professional athletes, and pay adjustments of managers and coaches of professional athletes, when such managers and coaches are employed by professional sports organizations employing professional athletes.

(2) *Definition.*—For purposes of this section, the term "professional athlete" means any individual who undertakes or engages in, as a means of livelihood or for economic gain, either individually or as an employee of a professional sports organization, competitive sporting events requiring physical agility or strength.

§ 152.32 Low wage employees.

(a) *Coverage.*—Unless otherwise limited in this section, the provisions of this section are applicable to employers and employees in all sectors of the economy, whether subject to self-administration or to mandatory controls under this chapter.

(b) *Exemption.*—In accordance with the provisions of section 203(d) of the Act, wages or salaries paid to an employee earning a straight-time hourly rate that is equal to or less than $3.50 are exempt from the limitations imposed under the provisions of this chapter.

(c) *Prior provision inoperative.*—The rules governing payments to low wage employees provided by the Pay Board during Phase II of the Economic Stabilization Program, which are set forth in § 201.19 of this title, are inoperative on and after May 1, 1973.

(d) *Employees earning more than $3.50.*—The provisions of this paragraph are applicable to employees who are paid straight-time hourly rates in excess of $3.50, and who are members of an approprite employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(1) *Industries subject to self-administration* (i) *Application of customary practice.*—The Council recognizes that where wages or salaries of lower wage employees within a unit have been increased, employers and employees have customarily adjusted wage or salary rates for higher rated employees in the same unit pursuant to a variety of procedures. Such procedures have included, but have not been limited to—

(A) Increasing wages or salaries for the employees by an amount (expressed in dollars and cents) equal to the amount of increase (expressed in dollars and cents) paid to the lower-paid employees.

(B) Increasing wages or salaries for the employees by a percentage equal to the percentage increase paid to the lower-paid employees.

(C) Increasing wages or salaries for the employees by amounts or percentages which decrease as base wages or salaries increase, in a tapering process.

(D) Other procedures which reflect methods or aligning the occupational structure of the unit and differentials among job classifications.

(ii) *Wage adjustments.*—Employers and employees subject to self-administration under this chapter may adjust wages or salaries paid to employees subject to the provisions of this paragraph in a manner that recognizes the impact of such factors as the occupational structure of the unit and differentials among job classifications, and that is consistent with their past practice in such situations (as described in paragraph (d)(1)(i) of this section) and with the standards and goals of the Economic Stabilization Program as set forth in § 152.13 and elsewhere in this chapter.

(iii) *Reporting.*—When, pursuant to any regulation in this part or pursuant to an order or request of the Council, an employer submits to the Council a prenotification or report of pay adjustments, and wages or salaries in the subject appropriate employee unit have been adjusted or are proposed to be adjusted as described in paragraph (d)(1)(ii) of this section, such employer shall include in such prenotification or report a description of such adjustments for the entire appropriate employee unit and the manner in which the adjustments were calculated. Such prenotification or report should include a Form PB-3 or PB-3A that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of $3.50.

(2) *Food industry.*—For rules with respect to pay adjustments affecting employees in the food industry, see § 152.74(i).

(3) *Health services industry.*—The Tripartite Health Industry Wage and Salary Committee shall develop one or more methods for reporting and evaluating wage or salary increases paid to employees who are paid straight-time hourly rates in excess of $3.50, and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(e) *Outstanding decisions and orders.*—Decisions and orders issued by the Council which limit wage or salary increases that are below a straight-time hourly rate of $3.50 are rendered inoperative with respect to payment of any such increases for work performed on or after May 1, 1973, without further action by the Council. Such decisions and orders remain in effect for the periods specified with respect to wages or salaries paid to employees earning $3.50 per hour or more.

(f) *Conflict.*—To the extent that the provisions of this section may conflict with any other provisions of this chapter, the provisions of this section shall control.

(g) *Effective date.*—The provisions of this section shall be effective May 1, 1973, with respect to work performed on and after such date.

Subpart E—Small Business Exemption

§ 152.41 Exemption of firms with 60 or fewer employees.

(a) *Applicability—firms existing on or before March 31, 1973.* (1) *General.*—Subject to the provisions of paragraphs (a)(2) and (3) of this section, pay adjustments of any firm existing on or before March 31, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a)(3) of this section) are exempt from and not included in the coverage of this part.

(2) *Exemption not applicable.*—The exemption provided for in paragraph (a)(1) of this section shall not be applicable to:

(i) The pay adjustments of a firm which in its fiscal year ending prior to August 13, 1973, had annual sales or revenues of $50 million or more.

(ii) The pay adjustments of a firm which on August 13, 1973, was an institutional or noninstitutional provider of

health services (as defined in Subpart O of Part 150 of this chapter).

(iii) The pay adjustments of a firm which on August 13, 1973, engaged in construction operations as defined in § 152.102(f).

(iv) The pay adjustments of a firm, if the pay adjustments immediately preceding August 13, 1973, applicable to or affecting 50 percent or more of the firm's employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees; or

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding August 13, 1973, were set or which are set at any time thereafter by a master employment or other employment contract described in (a)(2)(iv) of this section which covered more than 60 employees.

(vi) Pay adjustments affecting employees in the food industry subject to the provisions of subpart H, with respect to work performed prior to September 12, 1973.

(vii) Pay adjustments affecting employees in the construction industry subject to the provisions of subpart J of this part.

(3) *Determination of average number of employees.*—The average number of employees for firms in existence on or before March 31, 1973, shall be computed by dividing the sum of the number of employees employed in the pay periods which included September 30, and December 31, 1972, and March 31, and June 30, 1973, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability—firms coming into existence on or after April 1, 1973.* (1) *General.*—Subject to the provisions of paragraph (b)(2) and (3) of this section, pay adjustments of any firm coming into existence on or after April 1, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b)(3) of this section) are exempt from and not included in the coverage of this part.

(2) *Exemption not applicable.*—The exemption provided for in paragraph (b)(1) of this section shall not be applicable to:

(i) The pay adjustments of a firm which at any time during its first four calendar quarters after June 30, 1973, had annual sales or revenues of $50 million or more.

(ii) The pay adjustments of a firm which at any time during its first four calendar quarters after June 30, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart 0 of Part 150 of this chapter).

(iii) The pay adjustments of a firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in § 152.102(f).

(iv) The pay adjustments of a firm, if the pay adjustments at any time during its first four calendar quarters after June 30, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees.

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding August 13, 1973, were set or which are set at any time thereafter by a master employment or other employment contract described in paragraph (b)(2)(iv) of this section which covered more than 60 employees.

(vi) The pay adjustments of a firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after June 30, 1973.

(vii) Pay adjustments affecting employees in the food industry subject to the provisions of subpart H, with respect to work performed prior to September 12, 1973.

(viii) Pay adjustments affecting employees in the construction industry subject to the provisions of subpart J of this part.

(3) *Determination of average number of employees.*—The average number of employees for firms coming into existence on or after April 1, 1973, shall be computed as follows:

(i) For its first calendar quarter after June 30, 1973, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after June 30, 1973, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after June 30, 1973, it shall be deemed to have 60 or fewer employees during its second calendar quarter after June 30, 1973;

(iii) A firm shall compute its average number of employees for its third calendar quarter after June 30, 1973, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after June 30, 1973;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after June 30, 1973, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after June 30, 1973; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after June 30, 1973, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after June 30, 1973.

(c) *Definitions.*—For purposes of this section—

(1) "Employee" means any person residing in and employed in the several States or the District of Columbia for whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 U.S.C. sec. 3101, et seq. (FICA), and any person otherwise excluded from FICA coverage, who (i) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (ii) is defined as an "employee" in 26 U.S.C. sec. 3121(d).

(2) "Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

(d) *Withdrawal of exemption with respect to certain pay adjustments.*—The Council may by order direct prospectively that the exemption provided in paragraph (a) or (b) of this section shall not be applicable with respect to the pay adjustments of an appropriate employee unit or a firm, if—

(1) Such pay adjustments have been historically related to the pay adjustments of another appropriate employee unit or another firm;

(2) The pay adjustments of such other appropriate employee unit or such other firm are not exempt under the provisions of this section; and

(3) Such action is found to be necessary to the furtherance of the goals of the Economic Stabilization Program.

Subpart F—Challenge Procedures

§ 152.51 Purpose and scope.

This subpart establishes the procedures under which the Council may challenge pay increases which have occurred or are proposed.

§ 152.52 General.

When any report required by this part or any audit or investigation discloses, or the Council otherwise discovers, that a person appears to have implemented or is about to implement a wage or salary increase which is unreasonably inconsistent with the general pay standards set forth in this chapter or the goals of the Economic Stabilization Program, the

Council may conduct proceedings to challenge such conduct and issue appropriate orders in accordance with the provisions of this subpart.

§ 152.53 Notice of challenge.

The Council shall begin proceedings under this subpart by issuing a notice of challenge to the person involved stating that the Council has reason to believe that conduct which is unreasonably inconsistent with the standards set forth in this chapter has occurred or is about to occur.

§ 152.54 Temporary orders.

If the Council finds that such action is necessary to further the goals of the Economic Stabilization Program, it may, in the notice of challenge, order the persons to whom it is directed to take steps temporarily to suspend or halt the conduct being challenged.

§ 152.55 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings to be held with respect to the conduct being challenged.

§ 152.56 Reply.

(a) Within 10 days of receipt of a notice of challenge issued under § 152.53, the person to whom the notice of challenge is issued may file an answer in writing. In addition, a person may respond to the Council by personal appearance and may be accompanied by counsel. If a person wishes to appear in person, he must request an appointment; the request must be made promptly so that a time and place may be set within the period provided for reply. The Council will extend the period for reply for good cause shown.

(b) If a person does not reply within the time allowed by a notice of challenge, the challenged conduct will be considered unreasonably inconsistent with the general standards as alleged and the Council may issue whatever permanent order would be appropriate.

(c) The burden of producing evidence that the challenged conduct is not unreasonably inconsistent with the standards is upon the person who has taken or proposed the conduct.

(d) An order promulgated under this section is not subject to judicial or any other review with respect to any finding of fact or conclusion of law which could have been raised in proceedings before the Council but was not.

§ 152.57 Order.

(a) If the Council finds, after the person has filed a reply under § 152.56, that no conduct has occurred or is about to occur which is unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program or that for any other reason the issuance of an order would not be appropriate, it will issue a decision so stating, and if necessary an order revoking or modifying any prior temporary order.

(b) If the Council finds that conduct unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program has occurred or is about to occur and that an order is appropriate, it will issue a decision so stating, specifying the nature and extent of the unreasonably inconsistent conduct and, if necessary, issue an order implementing the decision. The decision will state the findings and conclusions upon which it is based.

(c) Orders issued hereunder may prescribe prospectively (from the time of the first action by the Council under the provisions of this subpart):

(1) A specific price or wage or salary;

(2) Special reporting requirements; and

(3) Any other requirement which is reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

§ 152.58 Modification or rescission.

(a) *General.*—The person to whom an order is issued under § 152.57 may file a request for modification or rescission of that order in accordance with the procedures set forth in this section.

(b) *Where to file.*—A request for modification or rescission may be filed with the Cost of Living Council, Washington, D.C. 20508.

(c) *When to file.*—A request for modification or rescission shall be filed within 10 days of receipt of the order issued under § 152.57.

(d) *Contents of request.*—A request for modification or rescission shall—

(1) Be in writing and signed by the applicant;

(2) Be designated clearly as a request for modification or rescission;

(3) Identify the order which is the subject of the request;

(4) Point out the alleged error in the order;

(5) Contain a concise statement of the grounds for the request for modification or rescission and the requested relief;

(6) Be accompanied by briefs, if any; and

(7) Be marked on the outside of the envelope "Request for Modification or Rescission."

(e) *Preliminary processing by the Council.*—

(1) A request for modification or rescission of an order issued under § 152.57 will be considered by the Council only if it:

(i) Is made by a person to whom the order sought to be modified or rescinded was issued;

(ii) Is timely; and

(iii) Makes a prima facie showing of error.

(2) The Council may summarily reject a request for modification or rescission which is not made by a person to whom the order was issued, or which is not timely filed, or which fails to make a prima facie showing of error.

(3) When the request for modification or rescission meets the requirements set forth in paragraph (e)(1)(i) of this section, the Council on its own motion or for good cause shown may temporarily suspend the order appealed from and then proceed in accordance with § 152.57.

Subpart G—Reassertion of Mandatory Controls

§ 152.61 Purpose and scope.

This subpart describes the circumstances under which the Council may reassert mandatory controls over an industry, sector of the economy, or a part thereof.

§ 152.62 Issuance of special rules.

Whenever the Council in the course of administering the Economic Stabilization Program determines that the goals of the program would be significantly advanced by reasserting controls over an industry, sector of the economy, or a part thereof, it may issue a special rule providing, on a prospective basis, for the stabilization of wages and salaries, on a mandatory basis, in that industry, sector of the economy or part thereof.

§ 152.63 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings with respect to special rules issued or to be issued pursuant to this subpart.

Subpart H—Special Rules Applicable to the Food Industry

§ 152.71 Scope.

This subpart establishes special mandatory rules applicable to pay adjustments affecting employees in the food industry. This subpart does not apply to the pay adjustments of any manufacturer, service organization, wholesaler or retailer which both derives less than 20 percent of its annual sales or revenues from sales of food and less than $50 million of annual sales or revenues from sales of food.

§ 152.72 Pay adjustments affecting employees in the food industry.

(a) Pay adjustments affecting employees in the food industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973, with respect to such pay adjustments put into effect prior to 9 p.m., e.s.t., March 29, 1973. After such time, the classification, prenotification, and reporting requirements set forth in § 152.73, together with such rules and regulations of the Pay Board not inconsistent therewith, shall apply to such pay adjustments. The Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained in the regulations of the Pay Board in effect on January 10, 1973. Whenever authorizations from or reports to the Pay Board or the Council, as appropriate, are required under the appropriate rules and regulations, such authorizations shall be obtained from and reports made to the Council in the

form and within the time required under such appropriate rules and regulations.

(b) For purposes of paragraph (a) of this section, and except as provided in paragraph (c) of this section, "Pay adjustments affecting employees in the food industry" means pay adjustments by any manufacturer, service organization, wholesaler, or retailer which derives at least 20 percent or at least $50 million of its annual sales or revenues from the sales of food, with respect to:

(1) Employees who are members of an appropriate employee unit (regardless of size) in which 50 percent or more of the employees are engaged on a regular and continuing basis in food operations; and

(2) Employees engaged on a regular and continuing basis in food operations and who are members of an appropriate employee unit (other than a unit referred to in paragraph (b)(1) of this section) in which 60 or more of such employees are engaged in food operations.

(c) On and after June 25, 1973, for purposes of paragraph (b) of this section, "Pay adjustments affecting employees in the food industry" does not include pay adjustments with respect to employees engaged on a regular and continuing basis in the operation of an eating place (described in Standard Industrial Classification Code 5312) or drinking place (described in Standard Industrial Classification Code 5812) or in the rendering of administrative or support functions with respect to such operation, unless—

(1) Such eating place or drinking place is part of or is controlled, directly or indirectly, by a manufacturer, service organization, wholesaler, or retailer, and

(2) At least 20 percent or at least $50 million of the total annual sales or revenues of such manufacturer, service organization, wholesaler, or retailer, excluding sales or revenues attributable to eating places and drinking places, is attributable to the sales of food.

This paragraph applies only to employees of the firm which operates the eating place or drinking place.

§ 152.73 Prenotification and reporting requirements for pay adjustments made after 9 p.m., e.s.t., March 29, 1973.

(a) *Prenotification required.*—Except as provided in paragraph (c) of this section and § 152.75, a pay adjustment affecting employees in the food industry shall not be put into effect after 9 p.m., e.s.t., March 29, 1973, unless prenotification of such proposed pay adjustment has been submitted to the Council and the Council has approved such proposed pay adjustment, or such pay adjustment has been permitted to be put into effect pursuant to the provisions of paragraph (b) of this section. Generally, prenotification shall be submitted not less than 60 days prior to the effective date of such proposed pay adjustment or as soon thereafter as the amount and timing of such proposed pay adjustment have been determined. Pay adjustments which were approved by the Pay Board or its delegate are considered to have been approved by the Council for purposes of this paragraph.

(b) *Contracts or pay practices in existence prior to 9 p.m., e.s.t., March 29, 1973.* (1) *60-day rule.*—If a proposed pay adjustment is scheduled to be put into effect on or after November 1, 1973, pursuant to a contract entered into or pay practice established prior to 9 p.m., e.s.t., March 29, 1973, and—

(i) Prenotification of such pay adjustment has been submitted after 9 p.m., e.s.t., March 29, 1973, under the provisions of this section, and

(ii) The Council has not issued an order with respect to such pay adjustment, ----------

then such pay adjustment may be put into effect 60 days after submission of such prenotification. Such pay adjustment, however, remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the economic stabilization program.

(2) *Submission.*—For purposes of this section, prenotification will be considered to be submitted on the date when it is stamped and dated by the Council. The Council will notify the parties, in writing, of the date of submission. If the information submitted is incomplete, the Council will not accept the submission, and will so notify the parties.

(c) *Limitation on prenotification under this section for certain individual increases.*—Notwithstanding the provisions of paragraph (a) of this section, a pay adjustment scheduled to be put into effect for one or more individual employees on a random or variable timing basis (e.g., through operation of a merit plan) under the terms of a contract entered into or a pay practice established prior to 9 p.m., e.s.t., March 29, 1973, in a control year beginning prior to such time, shall be permitted to be put into effect after such time without prenotification if the total of all wage and salary increases with respect to the appropriate employee unit for such control year does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect on January 10, 1973).

§ 152.74 Procedures for prenotification and reporting.

(a) *Content of prenotification and reports.*—Prenotification and reports shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. All forms must be sent to Office of Wage Stabilization, P.O. Box 6185, Washington, D.C. 20044.

(b) *Collective bargaining agreements.*—Prenotification and reports of pay adjustments pursuant to a collective bargaining agreement shall include copies of such agreement and the prior succeeded agreement, if any, and a summary of such pay adjustments.

(c) *Pay practices.*—Prenotification and reports of pay adjustments pursuant to a pay practice shall include a summary of such pay adjustments and information as to all pay adjustments with respect to the appropriate employee unit during the 2 years prior to the control year in which such pay adjustments are put into effect.

(d) *Computation rules.*—For purposes of this subpart the computation rules in subpart E of part 201 of this title shall apply. For example, wage or salary increases attributable to promotions or certain longevity, automatic in-grade progression, apprenticeship, and probationary programs are not considered "pay adjustments" for which prior approval is required under the provisions of this section.

(e) *Individual increases.*—For purposes of §§ 152.73 and 152.75 prenotification of proposed pay adjustments affecting employees in the food industry shall be submitted to the Council in the manner set forth in this paragraph if such pay adjustments apply to individual employees within an appropriate employee unit during a control year, e.g., through operation of a merit plan which provides individual increases on a random or variable timing basis:

(1) *Budgeted pay adjustments.*—If the pay adjustments fora control year are budgeted in advance of such control year, prenotification shall be submitted to the Council not less than 60 days prior to the first day of such control year, or as soon thereafter as the amount and timing of such proposed pay adjustments have been determined.

(2) *Nonbudgeted pay adjustments.* (i) *Initial prenotification.*—If such pay adjustments are not budgeted in advance of a control year, prenotification shall be submitted to the Council not less than 60 days prior to the first day of such control year, or as soon thereafter as reasonable and supportable estimates of the amount and timing of pay adjustments anticipated or planned for during such control year can be provided. Such prenotification shall include such estimates and the grounds therefor.

(ii) *Second prenotification.*—If initial prenotification has been submitted under the provisions of paragraph (e)(2)(i) of this section, further prenotification shall be submitted to the Council not later than 60 days prior to the midpoint of the control year, or as soon thereafter as reasonable and supportable estimates of the amount and timing of all pay adjustments anticipated or planned for in such control year can be provided. Such further prenotification shall include such estimates and the grounds therefor and shall also include information as to all pay adjustments previously put into effect during the control year.

(3) *Limitation on pay adjustments.*—The total of wage and salary increases put into effect during a control year in a unit for which prenotification has been submitted under the provisions of this paragraph shall at no time exceed the maximum permissible annual aggregate wage and salary increase which has been approved by the Council following such

prenotification, or which has been permitted to be put into effect pursuant to the provisions of § 152.73(b).

(f) *Cost of living allowance increases.*—For purposes of §§ 152.73 and 152.75, where pay adjustments affecting employees in the food industry include cost of living allowances increases (e.g., pursuant to an escalator formula), prenotification of such proposed cost of living allowance increases shall be submitted to the Council in the following manner:

(1) *Initial prenotification.*—The initial prenotification of pay adjustments for such control year shall include reasonable and supportable estimates of such cost of living allowance increases, if the precise amounts of such increases are not known when such prenotification is submitted.

(2) *Further prenotification.*—If, when the precise amounts of such cost of living allowance increases become known, such amounts do not exceed the amounts prenotified under paragraph (f)(1) of this section and approved by the Council pursuant to such prenotification, such increases may be put into effect as scheduled. However, if the precise amounts exceed amounts previously prenotified and approved or permitted to be put into effect, the portion of such increases in excess of the amounts previously prenotified and approved or permitted to be put into effect may not be put into effect unless such increases are specifically prenotified to and are approved by the Council or permitted to be put into effect pursuant to the provisions of § 152.73(b). Such further prenotification shall be submitted to the Council as soon as practicable after the precise amounts of such increases are determined.

(g) *Exclusion for executive and variable compensation.*—The rules with respect to prenotification and reporting of pay adjustments affecting employees in the food industry shall not apply to executive and variable compensation of the type described in subpart K of this part, except to the extent such compensation is treated as a wage and salary increase.

(h) *Service.*—An employer or employer association filing any document pursuant to the provisions of this section shall at the same time serve copies of each such document on the collective bargaining agent, if any, of the affected employee unit. If any such document is filed by a collective bargaining agent, such collective bargaining agent shall at the same time serve copies of each such document on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

(i) *Low wage employees.*—If an appropriate employee unit includes an employee earning a straight-time hourly rate on the base date that is equal to or less than $3.50, and a prenotification or report is submitted with respect to such unit pursuant to the provisions of this subpart, then such prenotification or report shall include—

(1) A Form PB-3 or PB-3A (as appropriate) that covers all employees in the appropriate employee unit, and that reflects—

(i) A base compensation rate computed on the basis of wages and salaries actually in effect on the base date; and

(ii) All increases in the base compensation rate actually put into effect or proposed to be put into effect; and

(2) A Form PB-3 or PB-3A (as appropriate) that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of $3.50.

§ 152.75 Interim rules for the period ending October 31, 1973.

(a) *Contracts and pay practices in existence prior to November 14, 1971.*—Notwithstanding the provisions of § 152.73, a pay adjustment scheduled to be put into effect after 9 p.m., e.s.t., March 29, 1973, and prior to November 1, 1973, under the terms of a contract or pay practice previously set forth which existed prior to November 14, 1971, may be put into effect according to the terms of such contract or pay practice (provided that in the case of a pay practice such pay adjustment is put into effect with respect to a control year beginning prior to November 14, 1972). However, a report of such pay adjustment shall be submitted to the Council not later than 10 days after such pay adjustment is put into effect. Pay adjustments put into effect pursuant to the provisions of this paragraph are subject to challenge by any party at interest or by the Council. A challenge by a party at interest shall be submitted to the Council. In the event of a challenge, the terms of the contract or pay practice shall be allowed to remain in effect unless and until the Council rules otherwise. The Council will review a challenged pay adjustment to determine whether any wage or salary increase is unreasonably inconsistent with the standards and goals of the economic stabilization program. Following such review, the Council may approve such pay adjustment, prescribe specific wages or salaries, or impose any other requirements which are reasonable and appropriate to accomplish the purpose of the economic stabilization program.

(b) *Contracts and pay practices in existence after November 13, 1971, and prior to 9 p.m., e.s.t., March 29, 1973.*—Notwithstanding the provisions of § 152.73, a pay adjustment scheduled to be put into effect prior to November 1, 1973, under the terms of a contract entered into or a pay practice established prior to 9 p.m., e.s.t., March 29, 1973, which is not within the provisions of paragraph (a) of this section, may be put into effect without prenotification, to the extent that the total of all pay adjustments for the control year with respect to the appropriate employee unit does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect on January 10, 1973). A report of a pay adjustment put into effect pursuant to the provisions of this paragraph shall be submitted to the Council not later than 10 days after such pay adjustment has been put into effect. Such a pay adjustment remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the economic stabilization program. If the total of all scheduled pay adjustments subject to the provisions of this paragraph exceeds the general wage and salary standard (or exception), the provisions of § 152.73(a) shall continue to apply to the portion of such pay adjustments in excess of such standard (or exception).

(c) *Contracts and pay practices in existence after 9 p.m., e.s.t., March 29, 1973.*—Notwithstanding the provisions of § 152.73 a pay adjustment scheduled to be put into effect prior to November 1, 1973, under the terms of a contract or pay practice which is not within the provision of paragraph (a) or (b) of this section may be put into effect without prenotification, to the extent that the total of all pay adjustments for the control year with respect to the appropriate employee unit does not exceed the general wage and salary standard (or applicable exception thereto for which prior approval was not required under the rules and regulations of the Pay Board in effect on January 10, 1973). A report of a pay adjustment put into effect pursuant to the provisions of this paragraph shall be submitted to the Council not later than 10 days after such pay adjustment has been put into effect. Such a pay adjustment remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the economic stabilization program. If the total of all scheduled pay adjustments subject to the provisions of this paragraph exceeds the general wage and salary standard (or exception), the provisions of § 152.73(a) shall continue to apply to the portion of such pay adjustments in excess of such standard (or exception).

Subpart I—Special Rules Applicable to Providers of Health Services

§ 152.91 Scope.

This subpart establishes mandatory rules applicable to pay adjustments by providers of health services.

§ 152.92 Pay adjustments affecting employees in the health industry.

Pay adjustments affecting employees in the health industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The

Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

§ 152.93 Submissions to the Council.

Prenotification and reports of pay adjustments shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. All submissions must be sent to Office of Wage Stabilization, P.O. Box 472, Washington, D.C. 20044.

Subpart J—Special Rules Applicable to the Construction Industry

§ 152.101 Scope.

This subpart establishes special rules applicable to pay adjustments affecting employees in the construction industry.

§ 152.102 Definitions.

For purposes of this subpart, the term—

(a) "Annual sales or revenues" means the total gross receipts of a firm in the construction industry during its most recent fiscal year, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenues. For purposes of this subpart annual sales or revenues shall also include the firm's pro rata share of annual sales and revenues derived from the construction operations of any joint venture of which it is a part.

(b) "Appropriate employee unit" means the same as under § 152.2, except that such unit shall be restricted in the case of nonunion construction employees to those employees who work at a job site or job sites in a particular craft or similar classification.

(c) "Base date" means, with respect to an appropriate employee unit, the day prior to the first day of a control year.

(d) "Basic wage rate" means the highest straight-time hourly rate approved by the Construction Industry Stabilization Committee for payment to union construction employees in a local labor market area. Such rate shall be expressed in dollars and cents.

(e) "Construction industry" means every firm engaged in or undertaking any construction operations, and every employee employed by such firm.

(f) "Construction operations" means all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. The term also means the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers. In addition, the term means all other work classified as construction in 29 CFR 5.2(g).

(g) "Control year" means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.52 of this title.

(h) "Craft" means a classification of mechanic or laborer engaged in construction operations at a job site.

(i) "Local labor market area" means the geographical area in the United States within which labor is normally recruited for work at a construction job site.

(j) "Nonunion contractor" means an employer of nonunion construction employees.

(k) "Nonunion construction employees" means members of a particular craft or similar classification who are not covered by a collective-bargaining agreement and are engaged in construction operations at a job site.

(l) "Union construction employees" means members of a particular craft who are covered by the terms of a collective-bargaining agreement and are engaged in construction operations at a job site.

(m) "Union contractor" means an employer of union construction employees.

§ 152.103 Pay adjustments affecting employees in the construction industry.

(a) Pay adjustments prior to June 13, 1973, affecting employees in construction remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board and the Construction Industry Stabilization Committee in effect prior to such date. The prenotification and reporting requirements set forth in § 152.104 shall apply to pay adjustments put into effect on or after June 13, 1973, except that annual reports required pursuant to § 152.104(b)(2)(iii) shall be required on and after August 30, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained in chapter II of this title.

(b) In addition to those pay adjustments determined to be pay adjustments affecting employees in the construction industry under the rules and regulations of the Construction Industry Stabilization Committee in effect on January 10, 1973, and except as provided in paragraph (c) of this section, the term "pay adjustments affecting employees in the construction industry," within the meaning of paragraph (a) of this section, means—

(1) Pay adjustments under the terms of a construction industry collective-bargaining agreement which covers both construction and nonconstruction operations;

(2) Pay adjustments under the terms of any collective-bargaining agreement which (i) continues a close historical relationship established with respect to a construction industry collective-bargaining agreement or sequence of agreements, or provides substantially the same levels of compensation as provided in a construction industry collective-bargaining agreement, and (ii) covers delivery of materials to a construction site under circumstances in which a dispute involving such agreement would cause on-site operations to be more than marginally interrupted; and

(3) Pay adjustments under any collective bargaining agreement (not referred to in paragraph (b)(1) or (2) of this setcion) or any pay practice which covers employees of a firm which derives 20 percent or more of its annual sales or revenues from construction operations.

(c) If a firm referred to in paragraph (b)(3) of this section is separated functionally into divisions, affiliates, or other clearly recognizable business entities, and if the wages and salaries referred to in such subparagraph with respect to employees of the entity engaged in construction operations and the wages and salaries with respect to employees of other entities of the same firm not engaged in construction operations have been historically separated in preparing the firm's financial statements, the wages and salaries with respect to employees of an entity not engaged in construction operations shall be excluded from the definition of "pay adjustments affecting employees in construction."

§ 152.104 Prenotification and reporting requirements after June 12, 1973.

(a) *Pay adjustments subject to jurisdiction of the Construction Industry Stabilization Committee.*—(1) Any pay adjustment which is referred to in paragraph (b) (1) or (2) of § 152.103, or which applies to or affects any number of employees engaged in construction operations and is made pursuant to a collective-bargaining agreement, shall not be put into effect unless prenotification of such proposed pay adjustment has been submitted to the Construction Industry Stabilization Committee and the Committee has approved such proposed pay adjustment, or such proposed pay adjustment has been permitted to be put into effect pursuant to regulations issued by the Committee.

(2) Prenotification of any pay adjustment referred to in paragraph (a)(1) of this section shall be made on forms and in the manner prescribed by the Construction Industry Stabilization Committee.

(b) *Pay adjustments subject to jurisdiction of the Cost of Living Council.*—

A pay adjustment referred to in § 152.103 (b)(3), put into effect on or after June 13, 1973, shall be reported to the Council in the following manner:

(1) *Off-site and other employees.*—If the pay adjustment is made with respect to off-site and other employees (within the meaning of § 152.106) of a union or nonunion contractor, and applies to or affects an appropriate employee unit containing 1,000 or more off-site and other employees, a report shall be submitted on the Council's Form PB-3 not later than 10 days after such pay adjustment is put into effect.

(2) *Nonunion construction employees.* (i) *Increase in basic wage rate.*—If the pay adjustment is made under the provisions of § 152.107(d)(1) with respect to nonunion construction employees and such adjustment is in excess of the standard a report shall be submitted to the Council by the employer on the Council's Form PB-4 or CLC-32 (at the election of the employer) not later than 10 days after such increases have been put into effect.

(ii) *New labor market area.*—A nonunion contractor that first enters a local labor market area and pays its employees a rate pursuant to § 152.107 shall submit a report on the Council's Form PB-4 or CLC-32 (at the election of the employer) not later than 10 days after such payment.

(iii) *Annual report.*—Notwithstanding the requirements of paragraphs (b)(2)(i) and (ii) of this section, if a nonunion contractor employs 10 or more employees (determined by adding the number of employees employed on November 13, 1972, to the number of employees employed on June 13, 1973, and dividing such total by 2) and is not required to file a special report pursuant to paragraph (b)(3) of this section, such nonunion contractor shall report annually to the Council not later than 10 days after the close of each control year all pay adjustments made with respect to its nonunion construction and on-site supervisory employees. Such annual report shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. The annual report required pursuant to this subdivision (iii) shall be submitted irrespective of whether the wage and salary increases in a control year are within the general wage and salary standard and irrespective of the number of employees in any particular craft or the number of employees performing on-site supervisory work affected by such increases.

(3) *Special reporting requirements.*—In addition to the general reporting requirements set forth in paragraphs (b)(1) and (2) of this section, any pay adjustment referred to in § 152.103(b)(3) shall be reported to the Council not later than 10 days after being put into effect by a firm, if the total annual sales or revenues of the firm derived from construction operations equals or exceeds $50 million. Special reports required pursuant to this subparagraph (3) shall be submitted irrespective of whether the wage and salary increases in a control year are within the general wage and salary standard and irrespective of the number of employees in a craft or other appropriate employee unit affected by the increases. In the case of off-site and other employees, special reports shall be submitted on the Council's Form PB-3. In the case of nonunion construction employees, special reports shall be submitted on the Council's Form CLC-32. Pay adjustments of union construction employees which have been forwarded to the Construction Industry Stabilization Committee for approval shall not be included in the special report.

§ 152.105 Procedures for reporting.

Any report required to be filed pursuant to § 152.104 shall be made in the following manner:

(a) *Content.*—Reports shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. Any such report shall contain a written summary of such pay adjustments. All forms must be sent to the Construction Division, Office of Wage Stabilization, PO Box 992, Washington, D.C. 20044.

(b) *Computation rules.*—For purposes of the subparagraph, the computation rules in subpart E of part 201 of this title shall apply. For example, wage or salary increases attributable to promotions or to certain longevity, automatic in-grade progression, apprenticeship, and probationary programs are not considered pay adjustments required to be reported.

(c) *Individual increases.*—Reports required with respect to pay adjustments affecting employees in the construction industry shall be submitted to the Council in the manner set forth in this paragraph if such pay adjustments apply to individual employees within an appropriate employee unit during a control year, e.g., through operation of a merit plan which provides individual increases on a random or variable timing basis:

(1) *Budgeted pay adjustments* (i). *Initial report.*—If the pay adjustments for a control year are budgeted in advance of a control year, a report of all such pay adjustments shall be submitted to the Council not later than 10 days after the start of such control year.

(ii) *Further report.*—If the total of pay adjustments actually put into effect during the control year does not exceed the total of budgeted pay adjustments reported under the provisions of paragraph (c)(1)(i) of this section, no further report is required with respect to such control year. However, if the total of pay adjustments actually put into effect during the control year exceeds the total of budgeted pay adjustments reported under the provisions of such subdivision, a further report of all pay adjustments actually put into effect during the control year shall be submitted to the Council as soon as practicable after the amount and timing of such pay adjustments are known, but in no case later than 10 days after the close of the control year: *Provided, however,* That the total of pay adjustments in the unit for the control year shall not exceed the general wage and salary standard of 5.5 percent or any applicable self-executing exception thereto without prior approval of the Council.

(2) *Nonbudgeted pay adjustments,* (i) *Initial report.*—If the pay adjustments for a control year are not budgeted in advance of such control year, a report of all pay adjustments anticipated or planned for during such control year shall be submitted to the Council not later than 10 days after the first pay adjustment is put into effect during such control year. Such report shall include reasonable and supportable estimates as to the amount and timing of pay adjustments.

(ii) *Second report.*—If an initial report of nonbudgeted pay adjustments has been submitted under the provisions of paragraph (c)(2)(i) of this section, a second report shall be submitted to the Council not later than 10 days after the midpoint of the control year. Such second report shall include information as to all pay adjustments previously put into effect during the control year and all pay adjustments anticipated or planned for during the remainder of such control year. Such report shall include reasonable and supportable estimates as to the amount and timing of all pay adjustments not previously put into effect.

(iii) *Further report.*—If the total of pay adjustments actually put into effect during the control year does not exceed the total of pay adjustments reported in the second report submitted under the provisions of paragraph (c)(2)(ii) of this section, no further report is required with respect to such control year. However, if the total of pay adjustments actually put into effect during the control year exceeds the total of pay adjustments reported in such second report, a further report of such pay adjustments actually put into effect shall be submitted to the Council as soon as practicable after the amount and timing of such pay adjustments are known, but in no case later than 10 days after the close of the control year: *Provided, however,* That the total of pay adjustments in the unit for the control year shall not exceed the general wage and salary standard of 5.5 percent or any applicable self-executing exception thereto without prior approval of the Council.

(d) *Nonunion construction employees reports.*—Every report with respect to pay adjustments for nonunion construction employees required by § 152.104(b)(2)(iii) or § 152.104(b)(3) shall be submitted on a craft or similar basis for each project or job site at which the nonunion contractor has performed or is performing work during the control year, except that pay adjustments made to comply with any Federal, State, or local prevailing wage law (e.g., under the Davis-Bacon Act) need not be reported. However, if the same wage rates for each craft are paid for services performed at more than one project or job site, the nonunion contractor may submit a single report on wage rates for each craft and identify the location of the projects or job sites covered by the report.

§ 152.106 Off-site and other employees.

Off-site employees of a union contractor or a nonunion contractor (e.g., office personnel, officers of the corporation, etc.) or on-site employees not actually engaged in construction operations and not covered by a collective bargaining agreement (e.g., supervisors, superintendents, foremen, field engineers, etc.) are subject to the provisions of subparts A, B, C, D, E, and F of part 201 of this title and are subject to the reporting requirements set forth in § 152.104(b).

§ 152.107 Nonunion construction employees.

(a) *Coverage.*—This section provides rules for the treatment of wage and salary increases paid to nonunion construction employees in a particular craft or similar classification working at job sites in a local labor market area.

(b) *General rule.*—The general wage and salary standard (hereinafter referred to as the "standard") for an appropriate employee unit of nonunion construction employees is established at 5.5 percent. The standard shall apply to any wage and salary increase payable with respect to an appropriate employee unit of nonunion construction employees pursuant to a pay practice established, modified or administered with discretion after November 13, 1971. Except as otherwise provided in this section, the standard shall be the maximum permissible annual aggregate wage and salary increase for an appropriate employee unit of nonunion construction employees.

(c) *Limitation.*—Notwithstanding the provisions of paragraph (b) of this section, an increase in wages and salaries for an appropriate employee unit of nonunion construction employees may be otherwise limited during a control year to an amount less than the standard if such action is determined by the Cost of Living Council or its delegate to be necessary to preserve historical wage and salary relationships, to foster orderly economic growth or to prevent gross inequities, hardships, serious market disruptions, or localized shortages of labor.

(d) *Exceptions.* (1) *Increase in union construction employees basic wage rate.*—Nonunion construction employees in a particular craft (or similar classification) working in a local labor market area may be paid a wage and salary increase (expressed in dollars and cents) that exceeds the standard, if union construction employees perform the same or substantially similar work at job sites in the same local labor market area: *Provided, however,* That, except as provided in paragraph (d)(2) of this section, no wage and salary increase for the control year may be paid to such nonunion construction employees under this paragraph in excess of the increase (expressed in dollars and cents) in the basic wage rate put into effect during such control year for union construction employees performing the same or substantially similar work at job sites in the same local labor market area.

(2) *Essential employees.*—An exception may be granted to a nonunion contractor that is unable to recruit or retain employees of a particular craft essential to the efficient operation of such contractor's business. Thus, nonunion construction employees otherwise subject to the provisions of this subpart may be paid a wage and salary increase in excess of the general wage and salary standard or the exception provided in paragraph ((d)(1) of this section, or, if appropriate, may be paid at a rate in excess of the basic wage rate for the local labor market area, if the payment of such excess has received prior approval of the Council. A request for such exception shall be submitted on the Council's Form PB-4 or CLC and shall provide, in sufficient detail, evidence to support the grant of such exception.

(3) *Percentage relationships to standard.*—For purposes of subparagraph (1) of this paragraph, a percentage shall be determined by dividing the annual aggregate wage and salary increase with respect to the appropriate employee unit of nonunion construction employees for the control year, by the base compensation rate in effect for such unit on the base date. Any request for an exception pursuant to paragraph (d)(2) of this section shall also include the computation prescribed in the preceding sentence.

(e) *Fringe benefits.* (1) *Included benefits.*—Increases in included benefits attributable to the secondary effect of increases in the straight-time hourly rate shall be excluded from the computation of pay adjustments for purposes of this section. Increases in the total cost of included benefits, other than secondary effect increases refered to in the preceding sentence, shall be treated in the same manner as in § 201.58 of this title.

(2) *Qualified benefits.*—Increases in qualified benefits attributable to the secondary effect of increases in the straight-time hourly rate shall be excluded from the computation of pay adjustments for purposes of this section. Any increase in an employer's total cost of qualified benefits (as defined in § 201.59(b) of this title), other than secondary effect increases referred to in the preceding sentence, which is paid to nonunion construction employees subject to the provisions of this section, shall be subject to the qualified benefits standard and other appropriate rules in the same manner as in § 201.59 of this title.

(f) *New jobs or labor market area.*—Where a nonunion contractor establishes pay rates for newly created jobs, job classifications, or positions, or where such contractor enters a local labor market area for the first time, such contractor may pay wage or salary rates which do not exceed the wage or salary rates paid by the majority of contractors in the local labor market area for similar jobs, job classifications, or positions.

Subpart K—Executive and Variable Compensation [Reserved]

Subpart L—Violations, Sanctions, Fines, and Penalties

§ 152.151 Violations.

(a) *In general.*—Except as provided in paragraph (b) of this section, it shall be a violation of the provisions of this title, subject to the sanctions, fines, penalties, and other relief provided in the Act, for any person to engage in any act, conduct, or attempt which constitutes a means to pay or receive a wage or salary higher than that permitted by the regulations in this part. Such prohibited conduct includes any act, conduct, or attempt by any person to:

(1) *Payment or receipt of pay adjustments subject to mandatory controls.*—Pay or receive, directly or indirectly, immediately or on a deferred basis, any wage or salary increase with respect to employees subject to mandatory controls that exceeds a wage or salary increase authorized under the provisions of this part or approved in a decision and order of the Council.

(2) *Payment or receipt of pay adjustments subject to self-administration.*—Pay or receive, directly or indirectly, immediately or on a deferred basis, any wage or salary increase with respect to employees subject to the provisions of subpart B of this part, that is prohibited under the provisions of this part, or is in excess of an increase approved in a decision and order of the Council.

(3) *Accessorial acts or attempts.*—Induce, solicit, encourage, force, or require, or attempt to induce, solicit, encourage, force, or require, any other person to pay or to receive, directly or indirectly, any portion of a wage or salary increase not authorized under the mandatory control provisions of this part or approved in a decision and order of the Council.

(4) *Compliance.*—Fail or refuse to comply with a decision and order of the Council or with any regulation issued pursuant to the Act, or induce, solicit, encourage, force, or require any other person to fail or refuse to comply with any decision and order of the Council, or with any regulation issued pursuant to the Act.

(5) *Executive or variable compensation.*—Pay, award, grant, receive, accept, establish, or make changes in any item of executive or variable compensation without timely filing of such notices or reports or receiving approval thereof to the extent required by the provisions of this chapter and chapter II of this title.

(6) *Forbearance of rights.*—Force or require any party at interest (as defined in § 201.2 of this title) to refrain or forbear from filing a pay challenge, request for exception, request for interpretation or ruling, prenotification, report, appeal, motion for reconsideration, or any other document or information permitted or required to be filed with the Council, or to force or require any party at interest to withdraw any such document already filed.

(7) *Filings.*—Fail or refuse to file on a timely basis any prenotification, report, or other document required by the regulations issued pursuant to the Act.

(8) *Notices of challenge and temporary orders.*—Fail or refuse to comply with a notice of challenge and temporary order issued by the Council requiring that a person suspend or halt the conduct being challenged.

(9) *Final orders.*—Fail or refuse to comply with a final order issued by the Council pursuant to § 152.57 that prescribes, prohibits, or limits the payment or receipt of any wage or salary increase.

(b) *Excepted acts.* (1) *Agreements for wage and salary increases.*—Notwithstanding the provisions of paragraph (a) of this section, it shall not be a violation to bargain for, request, contract for, or agree to (as contrasted with paying or receiving) a wage or salary increase in excess of the standard.

(2) *Limitation on excepted acts.*—The exception provided in paragraph (b) (1) of this section shall not apply in any situation where the Council has denied an appeal from a determination by the Internal Revenue Service, or rendered a decision on a pay challenge, request for an exception, or other submission.

§ 152.152 Criminal fine.

Any person who willfully violates any provision of this chapter or, if applicable, Chapter II of this title, or any final order issued thereunder shall be subject to a fine of not more than $5,000 for each violation.

§ 152.153 Civil penalty.

Any person who violates any provision of this chapter, or, if applicable, Chapter II of this title, or any final order issued thereunder shall be subject to a civil penalty of not more than $2,500 for each violation.

§ 152.154 Injunction and other relief.

Whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any action or practice constituting a violation of the regulations in this chapter or, if applicable, Chapter II of this title, or any order issued thereunder, the Council may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin that act or practice. The relief sought may include a mandatory injunction commanding that person to comply with such order or regulation and restitution of moneys received in violation of such order or regulation.

APPENDIX—Cross Reference Table

The following cross reference table is provided to assist the public in identifying provisions of the Council's pay regulations in effect under Phase III of the Economic Stabilization Program and the regulations in effect during Phase IV of that program.

6 CFR Part 130 Old Section	*6 CFR Part 152 New Section*
130.1	152.1
130.5	152.3
130.6	152.4
130.9(a)	152.25
130.10	152.12
130.11	152.11
130.12	152.13
130.15	152.14
130.20	152.21
130.23	152.22
130.24	152.23
130.34	152.31
130.36	152.32
130.40	152.41
130.51	152.71
130.58	152.72
130.58a(a) (1)	152.73(a)
130.58a(a) (2)	152.73(b)
130.58a(a) (3) (introductory)	152.74(a)
130.58a(a) (3) (i)	152.74(b)
130.58a(a) (3) (ii)	152.74(c)
130.58a(b)	152.74(d)
130.58a(c)	152.74(e)
130.58a(d)	152.74(f)
130.58a(e)	152.74(g)
130.58a(f)	152.74(h)
130.58a(g) (1)	152.74(c)
130.58a(g) (2)	152.75
130.58a(h)	152.74(i)
130.60	152.91
130.62	152.92
130.70	152.101
130.71	152.102
130.76	152.103
130.77(a)	152.104(a)
130.77(b) (1)	152.104(b)
130.77(b) (2)	152.105 (introductory)
130.77(b) (2) (i)	152.105(a)
130.77(b) (2) (ii)	152.105(b)
130.77(b) (2) (iii) (introductory)	152.105(c) (introductory)
130.77(b) (2) (iii) (*a*) (*1*)	152.105(c) (1) (i)
130.77(b) (2) (iii) (*a*) (*2*)	152.105(c) (1) (ii)
130.77(b) (2) (iii) (b) (*1*)	152.105(c) (2) ((i)
130.77(b) (2) (iii) (b) (*2*)	152.105(c) (2) (ii)
130.77(b) (2) (iii) (b) (*3*)	152.105(c) (2) (iii)
130.78	152.106
130.79	152.107
130.90	152.51
130.91	152.52
130.92	152.53
130.93	152.54
130.94	152.55
130.95	152.56
130.96	152.57
130.97	152.58
130.100	152.61
130.101	152.62
130.102	152.63
130.110	152.2

Effective date August 31, 1973.

Issued in Washington, D.C. on August 29, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-18703 Filed 8-30-73;4:30 pm]

federal register

FRIDAY, AUGUST 31, 1973

Volume 38 ■ Number 169

PART III

COST OF LIVING COUNCIL

■

EXECUTIVE AND VARIABLE COMPENSATION

Notice of Proposed Rulemaking

COST OF LIVING COUNCIL

[6 CFR Part 152]

EXECUTIVE AND VARIABLE COMPENSATION

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Cost of Living Council. Since the rules set forth in Part 152 are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, the Council finds that the time for submission of comments or suggestions by interested persons in accordance with usual rulemaking procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days. Prior to final adoption of the regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing and received by the Council on or before September 17, 1973. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508, and should be designated in bold type EXECUTIVE AND VARIABLE COMPENSATION COMMENTS. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request.

The public is cautioned to note that these proposed regulations, when adopted in final form, *will be effective retroactively to August 29, 1973*, the date of issuance of the proposed rules.

The proposed rules are to be issued pursuant to authority vested in the Council under the Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, E.O. 11730, 38 FR 19345; and Cost of Living Council Order No. 14, 38 FR 1489.

Subpart K of Part 152 proposes to establish rules and standards to be utilized in the control of executive and variable compensation in Phase IV of the Economic Stabilization Program. The basic rules previously applied to executive and variable compensation by the Pay Board during Phase II (previously contained in Subpart F of Part 201) and additional rules governing self-administration under the Phase III program (originally contained in Part 130) are now combined in one subpart. In addition, Subpart K contains new rules and standards which the Council proposes to adopt as a result of an intensive review of the operation of executive and variable compensation plans, practices, and programs thus far in the Economic Stabilization Program.

In general, the new rules (primarily set forth in the new § 152.130) will require every firm subject to the Economic Stabilization Program, regardless of industry, to designate an executive control group which shall consists of the firm's employee directors and officers whose aggregate direct remuneration is required to be reported on proxy statements under the Rules and Regulations of the United States Securities and Exchange Commission or would be required to be reported if the firm were subject to such Rules and Regulations. Special mandatory rules are proposed to be applied to compensation paid to members of an executive control group, limiting aggregate increases in base salaries and establishing proportional limitations on bonus payments. These rules applicable to executive control groups will be in addition to the prior rules applicable to wage and salary increases for members of appropriate employee units and to bonus payments to members of plan or practice units. A procedure is proposed to be established whereby an exception to these limitations may be requested, in cases of hardship or inequity. Further, the new rules will require certain reports to be filed with the Council and records to be maintained with respect to compensation paid to members of executive control groups. Prior approval will be required for new, revised, or replacement incentive plans or practices covering members of an executive control group.

A number of other changes are proposed to be made in the rules governing executive and variable compensation, affecting not only the members of executive control groups but also other employees in industries subject to mandatory controls or self-administration under the Economic Stabilization Program. For example, the prior rules permitting "excess" bonus payments to be charged against the general wage and salary standard for appropriate employee units will be eliminated, except in situations in which the membership of the plan or practice unit and the membership of one appropriate employee unit are coextensive. Also, certain stock options that were formerly valued and charged as a wage and salary increase for members of an appropriate employee unit will be subject to the rules governing incentive compensation plans and practices. Other changes and additions, which are described below in greater detail, are for the most part technical revisions proposed to clarify provisions of the prior regulations. In addition, conforming and technical changes have been made to reflect the placement of the regulations in the new Part 152.

These amendments to the Economic Stabilization Program are proposed to be adopted for a number of reasons. Soon after the commencement of Phase III in January 1973, the Council directed an audit of the executive and variable compensation plans and practices of many firms in various industries. The Council subsequently determined that although wage and salary increases for appropriate employee units which included top executives were generally within the general wage and salary standard, such units often included numerous other management and salaried personnel in addition to the top executives. Later in 1973, various business periodicals published survey data (many of which contained inaccuracies), based on reports of aggregate remuneration reported to the U.S. Securities and Exchange Commission. The survey data appeared to indicate that in 1972 the highest paid executives received salary increases in excess of the general wage and salary standard, as well as substantial increases in bonus awards.

The Council undertook a comprehensive review of the Phase III regulations then applicable to executive and variable compensation, in order to determine whether changes were required for more effective control of such compensation. The Council recognized that it was also important that such control not impair unnecessarily the operation of incentive compensation plans and practices, which are an integral part of the compensation of executives throughout private industry. In conducting its review, the Council's staff secured comments and suggestions for changes in the regulations from businessmen, attorneys, and other experts in the field of executive and variable compensation.

On the basis of its review, the Council determined that special rules applicable to top management employees of firms were essential to insure the continued integrity of the Economic Stabilization Program. The following considerations were particularly significant:

1. During any period of wage and salary stabilization, it is appropriate to adopt a program which treats equitably all levels of wage earners, which requires all segments of the economy to make generally comparable sacrifices, and which inspires public confidence in the stabilization goals to be achieved. It is difficult to evaluate the impact on public confidence that resulted from the assertions made by the often erroneous public surveys of executive compensation. However, the Council believes that such surveys often did lead many persons to conclude that the Phase III rules on executive and variable compensation did not achieve the desired balance of generally comparable sacrifices by all segments of the economy.

2. Top executives of a firm generally participate in or at the very least strongly influence the decisions relating to aggregate increases in compensation for all employee groups and the internal allocation of those increases among employee groups in a firm. Permitting the top executives to be included in an appropriate employee unit with other employees, without any constraints on the manner in which compensation increases are allocated within the unit, can lead to a lack of confidence that the Economic Stabilization Program requires the same degree of wage restraint for all employees within a firm.

3. The published reports of executive compensation trends are inadequate for stabilization purposes since these reports do not adequately differentiate between salary increases and changes in incentive compensation payments. Since the Council must be able to provide accurate reports as to trends in compensation for all groups of employees subject to the Economic Stabilization Program, and must of course possess such information in order to administer the program effectively, identification and reporting of executive compensation trends covering

only the clearly-recognized top management personnel are essential. Under former regulations, salary increases and bonus payments made by firms subject to voluntary compliance were generally not required to be reported to the Council. The imposition of mandatory rules relating to reporting and recordkeeping with respect to such increases and payments to top management personnel will assist in keeping the compensation of such personnel under reasonable restraint.

Additional details with respect to provisions of Subpart K, compared to the prior regulations are provided below under each section heading:

Section 152.121 Scope.—This section is an expansion of the former § 201.71. Paragraph (d) is a clarifying rule which provides that the exclusions from adjustment computations, set forth in § 201.60 (relating to promotions, longevity plans, etc.) are not applicable to payments, awards, or grants under incentive compensation plans or practices, sales or commission plans or practices, or production incentive programs.

Section 152.122 Definitions.—This section is the former § 201.72 with the definitions placed in alphabetical order. In addition, a definition of "performance share plan" has been added. Only plans which meet the requirements of this definition are subject to the valuation approach set forth in § 152.124(d)(3)(ii).

Section 152.123 Executive salaries and job perquisites.—This section is essentially the same as the former § 201.73.

Section 152.124 Incentive compensation plans.—This section contains portions of the former § 201.74, with new material. Paragraph (a) defines the applicability of the regulation: it provides guidance to be used by firms subject to self-administration under the Phase IV rules; mandatory rules to be observed by firms in the food, health, and construction industries; and mandatory rules which are to be applied by all firms in determining the amounts pursuant to incentive compensation plans which may be paid to members of executive control groups.

Paragraph (c)(3)(i) makes clear that the allowable amount may be increased by 5.5 percent (compounded) for each year subsequent to the first plan year for which payment is made on or after November 14, 1971, or for each year subsequent to the last year during which the plan operated under § 201.35. This computation is illustrated by an example in paragraph (g).

Paragraph (d)(2)(i) provides that an amount in excess of the allowable amount may not be paid. This is a mandatory rule with respect to industries subject to mandatory controls and with respect to members of executive control groups; the rule shall serve as guidance for members of plan units subject to self-administration who are not members of an executive control group. Formerly the rules permitted such excess payment to be charged as a wage and salary increase to the members of the appropriate employee unit or units which included plan participants. An exclusion from application of the new rule is provided only for a case in which the employee membership of one plan unit is coextensive with the employee membership of one appropriate employee unit. Since an excess may be paid only in this situation, the former rules with respect to the treatment of an excess have been simplified by deletion of the provisions respecting apportionment to appropriate employe units. A new rule provides that an excess shall be considered to be a wage and salary increase not later than the last day of the sixth month after the end of the plan year.

Paragraph (f) contains a special rule which is a clarification of the former rules. If payments, awards, or grants of items of incentive compensation exceed the amount determined by application of the terms of the plan itself, then even if this amount is less than the allowable amount determined under § 152.124, the full amount paid shall be considered as paid pursuant to a new, modified, or replacement plan or practice which would be subject to any applicable rules for prior approval.

Section 152.125 Incentive compensation practices.—This section contains portions of the former § 201.75, with new material. The additions, deletions, and modifications are substantially parallel to those in § 152.124. The special rule in § 152.124(f) with respect to payments pursuant to an incentive compensation plan is paralleled by § 152.125(b)(1).

Section 152.126 Certain stock options.—This section contains portions of the former § 201.76, and is applicable to fiscal years beginning on or after August 29, 1973. The rules for determining the aggregate share limitation have been modified. The period for determining the total number of shares granted under a plan is terminated as of December 16, 1971. A new provision has been added in the adjustment factor in paragraph (c)(1)(iii)(B) to define the "number of employees in the plan unit on the first day of the fiscal year." Rules have also been prescribed for determining the aggregate share limitation for a plan which is approved by the Council under the provisions of § 152.128.

A new special rule in paragraph (e) provides that where a firm has two or more qualified plans, the aggregate share limitation for each plan is determined separately; however, options may be granted under any or all of the plans, so long as the total number of option grants does not exceed the total of the aggregate share limitations.

Under the provisions of former § 201.76 (e), stock options not "qualified" under § 201.76(b) were treated as wages and salaries and subjected to particular valuation computations. Stock options formerly subject to § 201.76(e) are now subject to the provisions of §152.131.

§ 152.126 has no special application to executive control groups.

Section 152.127 Sales or commission plans or practices and certain production incentive programs.—This section is essentially the same as the former § 201.77, § 152.127 has no special application to executive control groups.

Section 152.128 New or revised plans, practices, or programs.—This section contains the provisions of the former § 201.78 with no significant changes. This section is applicable to firms in the food, health, and construction industries, and to plans, practices, and programs which affect members of executive control groups.

Section 152.129 New organizations and changes in organizational form.—This section contains the provisions of the former § 201.79. There are no significant changes, although a clarifying rule in paragraph (b)(2) provides that the incorporation of an existing proprietorship or partnership is considered the creation of a new organization rather than a change in organization form. This section is applicable to firms in the food, health, and construction industries, and to plans, practices, and programs which affect members of executive control groups.

Section 152.130 Executive control groups.—This section provides mandatory rules with respect to all firms not exempt from the requirements of the Economic Stabilization Program under subpart D or subpart E (the Small Business Exemption). Each such nonexempt firm is required to designate an executive control group, which shall consist of all officers and those employee directors whose aggregate direct remuneration exceeds $30,000 per year. The term "firm" has a specialized definition for purposes of this section, as does "affiliated group of entities" and "parent". These definitions are set forth in paragraph (c). The membership of an executive control group need not bear any relationship to the composition of an appropriate employee unit, and the rules provided in this section are in addition to any limitations imposed under the Economic Stabilization Program on compensation to members of appropriate employee units or plan, practice, or program units.

The term "officer" is defined in paragraph (c)(1) in the same terms as in Rule 3b-2 of the U.S. Securities and Exchange Commission. Since the limitations imposed under this section apply to fiscal years, rather than to control years or to plan, practice, or program years, a new term, "fiscal base date" (the day before a fiscal year) is defined in paragraph (c)(3). The terms "base year", "base group salary," "base group salary additions," "base group salary deletions," and "base period," are defined in paragraph (c) for purposes of applying the limitations on incentive compensation set forth in paragraph (e).

Paragraph (d) contains limitations on salary increases. These limitations are based on a new concept, the "average group salary rate," which is the average annual salary per position in the executive control group. The average group salary rate is permitted to be increased by no more than 5.5% in a fiscal year, as measured against the average group salary rate in effect on the day before the

fiscal year. A rule is provided in paragraph (d)(2)(ii) which requires that the average group salary rate must be adjusted to reflect the addition or deletion of positions to the executive control group. Since the average group salary rate is determined with reference to positions rather than individual employees, no exclusions for promotions are made in computing increases in the average group salary rate. Paragraph (d)(3) contains a special rule which, for purposes of applying the limitations on salary increases only, permits a firm to treat its executive control group as though the group were a separate appropriate employee unit. If this election is made, the average group salary rate computation is not applied. A base compensation rate (including fringe benefit expenditures) must be constructed, and the computation methods set forth in §§ 201.53 through 201.60 are applied, as appropriate.

Paragraph (e) sets forth limitations on incentive compensation payments, grants, or awards to members of an executive control group. These limitations are applicable only to plans or practices operating under § 152.124 or § 152.125 (including stock options subject to § 152.131, but not stock options subject to § 152.126). The limitation is applied by determining the allowable amount for the plan or practice in the usual manner, by multiplying the allowable amount by an "apportionment factor," and then multiplying the product by an "adjustment factor." The "apportionment factor" represents the share of payments, grants, or awards under the plan or practice which had been assigned to the members of the executive control group in the base period; the base period, at the election of the firm, is either the last 4 plan or practice years ending prior to November 14, 1972, for which payments were made prior to that date, or the most recent plan or practice year ending prior to August 29, 1973, for which a payment was made prior to that date. The "adjustment factor" is similar in approach to the adjustment factors provided in §§ 152.124(c)(5) and 152.125(c)(5), and its application has the effect of adjusting the limits on incentive compensation payments to correspond to growth or contraction (in terms of salary) of the executive control group since the last day of the base year. It is important to note that the adjustment factors set forth in § 152.124(c)(5) and § 152.125(c)(5) are no applied at any point in the computation of the limitations on incentive compensation under § 152.130(e).

Paragraph (f) sets forth reporting requirements for firms which derive annual sales or revenues in excess of $250 million. This report is to be filed on forms which will be issued by the Council in the near future. Paragraph (g) requires that firms with annual sales or revenues in excess of $50 million must keep records sufficient to permit the filing of a complete report upon request by the Council.

Paragraph (h) permits a firm to submit an application for exception to the limitations on salary increases or incentive compensation which are established in this section. The Council will approve such an application only upon a showing of "extreme hardship" or "severe inequity."

Paragraph (i) is included in recognition of the fact that the new rules with respect to executive control groups, which apply to fiscal years, are to be made effective on a date which will necessarily not represent the start of most fiscal years. However, all salary increases and incentive compensation payments, awards, or grants made prior to August 29, 1973, in a fiscal year which ends on or after such date, are considered in applying the limitations under paragraph (d) or (e).

Section 152.131 Stock option plans deemed to be incentive compensation plans or practices subject to § 152.124 or § 152.125.—This is essentially a definitional section which relates to stock options not subject to § 152.126(b) or (c) (formerly § 201.76(a) or (b)). These stock options, which were formerly charged as wage and salary increases under § 201.76(e) and (f), are now considered to be payments pursuant to an incentive compensation plan or practice, as appropriate. While these stock options continue to be valued as before, through application of an "option premium," the amount so determined is subject to the application of an "allowable amount" limitation under § 152.124 or §152.125, and is not considered to be an increase in the base compensation rate. Grants of § 152.131 stock options to members of executive control groups are necessarily subject to the limitations of § 152.130(e).

Section 152.132 Qualified stock bonus plans.—This section represents a policy change intended to implement the provisions of § 203(g) of the Act. The Council has determined that stock bonus plans which are qualified under § 401(a) of the Code shall be treated as qualified benefits in accordance with the provisions of § 201.59. Computations are to be made as in the case of qualified deferred profit sharing plans.

Section 152.133 Prior decisions and orders.—This section contains the provisions of former § 130.1(d), and adds in paragraph (d) a provision that prior decisions and orders which apply to members of executive control groups also remain in effect.

Section 152.134 Submissions to the Council.—This section establishes a postal address to which all submissions relating to subpart K must be sent. The address is: Office of Wage Stabilization, P.O. Box 983, Washington, D.C. 20044.

Section 152.135 Executive and variable compensation guidance.—This section contains the provisions of the former § 130.14 and Appendix B to Part 130, and is to be applied to pay adjustments that are subject to self-administration and that do not apply to members of executive control groups.

In consideration of the foregoing, it is proposed to amend Part 152 of Chapter I, Title 6, Code of Federal Regulations, as follows.

Issued in Washington, D.C. on August 29, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

Subpart K—Executive and Variable Compensation

Sec.
152.121 Scope.
152.122 Definitions.
152.123 Executive salaries and job perquisites.
152.124 Incentive compensation plans.
152.125 Incentive compensation practices.
152.126 Certain stock options.
152.127 Sales or commission plans or practices and certain production incentive programs.
152.128 New or revised plans, practices, or programs.
152.129 New organizations and changes in organizational form.
152.130 Executive control groups.
152.131 Stock option plans deemed to be incentive compensation plans or practices subject to § 152.124 or § 152.125.
152.132 Qualified stock bonus plans.
152.133 Prior decisions and orders.
152.134 Submissions to the Council.
152.135 Executive and variable compensation guidance.

Subpart K—Executive and Variable Compensation

§ 152.121 Scope.

(a) *Purpose.*—The purpose of this subpart is to provide rules and standards to stabilize items of executive and variable compensation whether or not payable to an executive. This subpart provides standards for self-administration of those pay adjustments that are subject to the provisions of subpart B of this part. This subpart also provides standards which are to be applied with respect to pay adjustments subject to mandatory controls under this part. Further, this subpart establishes special rules which are to be applied to certain types of employees, without regard to industry. Except as provided in § 152.126 (a)(2), the provisions of Subpart F of Part 201 of this title are superseded, effective August 29, 1973.

(b) *Conflict with other provisions.*—To the extent that any provision of this title is inconsistent with the provisions of this subpart, the provisions of this subpart shall control. Thus, in the area of executive base salaries and job perquisites only those existing contracts meeting the requirements of § 152.122(c) and in the area of incentive compensation plans and practices only those existing contracts meeting the requirements of § 152.122(c) and pay practices previously set forth meeting the requirements of § 152.122(f) shall be allowed to operate under the terms and conditions imposed under § 201.35 of this title.

(c) *Exception.*—The provisions of this subpart are not applicable to pay adjustments pursuant to and shall not affect the provisions of a collective bargaining agreement.

(d) *Exclusions inapplicable.*—The exclusions from adjustment computations set forth in § 201.60 of this title are inapplicable to any payment, award, or grant pursuant to an incentive compensation plan or practice or to a sales or commission plan or practice or to a production incentive program referred to in § 152.127, even if such payment, award, or grant is required to be charged as a wage and salary increase.

§ 152.122 Definitions.

For purposes of this subpart, the term—

(a) "Base salary" means cash remuneration paid, whether currently or deferred, to an employee by an employer on account of the performance of services.

(b) "Executive compensation" includes base salary, job perquisites, and incentive compensation.

(c) "Existing contract" means a contract with respect to employment in effect on November 13, 1971, all the elements of which have been reduced to a writing which has been signed by the employee and the employer prior to November 14, 1971.

(d) "Incentive compensation" includes the following items: Bonuses (whether payable in cash or other property); stock options; phantom stock awards (including both dividend and share units); performance share awards; employer contributions to stock purchase plans or stock bonus plans not qualified under section 401(a) of the Code or the regulations thereunder; and employer contributions to profit-sharing plans which fail to meet the requirements of section 401(a) of the Code. This term, however, does not include profit-sharing plans or stock bonus plans which meet the requirements of section 401(a) of the Code.

(e) "Job perquisite" means any item paid or furnished to or on behalf of an employee by an employer on account of the performance of services including, but not limited to, such items as reimbursement or payment by an employer of country club membership fees, dues, or other similar items; reimbursement or payment by an employer of uninsured medical expenses which are not covered by the employer's usual insurance program with respect to such expenses; reimbursement or payment by an employer for financial consulting or advisory services relating to an employee's personal financial affairs; the personal use of an automobile furnished by an employer; and payment by an employer for or in-kind furnishing of housing; and other such similar items.

(f) "Pay practice previously set forth" means an incentive compensation plan or practice in effect on November 13, 1971, which meets all the following requirements—

(1) The plan or practice had been communicated to the affected employees;

(2) The aggregate amount of the payment or award cannot be increased or withheld in its entirety by the exercise of any discretion;

(3) The aggregate amount of the payment or award is determined by a definite method or clear formula; and

(4) The definite method or clear formula is applied only to a wage or salary amount on a percentage or other similar basis without reference to profits, earnings, or any factor or item other than the actual wage or salary amount.

(g) "Performance share plan" means a plan—

(1) Pursuant to which phantom (or restricted) shares of employer stock are awarded to plan participants to be earned out and paid over (in stock and/or cash) at the end of an award period if a predetermined performance objective (or objectives) is achieved and a service requirement met;

(2) Which is approved by the employer's stockholders within 12 months of its adoption if awards are to be made in shares of stock;

(3) Which establishes a performance objective (or objectives) that adequately recognizes stockholders' interests;

(4) Which provides an earnout period of at least three years; and

(5) Which stipulates a maximum number of shares that may be distributed under the plan.

(h) "Plan, practice, or program unit" means the employees covered by an incentive compensation plan or practice, a sales or commission plan or practice, or a production incentive program.

(i) "Plan, practice, or program year" means the 12-month period with respect to which an incentive compensation plan or practice, a sales or commission plan or practice, or a production incentive program operates.

(j) "Wages and salaries" means the same as under § 152.2 except that items constituting incentive compensation shall not be treated as wages and salaries unless otherwise provided in this subpart.

§ 152.123 Executive salaries and job perquisites.

(a) *In general.*—Increases in executive base salaries paid to or on behalf of and job perquisites paid or furnished to or on behalf of the employees in an appropriate employee unit during any control year shall be subject to the general wage and salary standard.

(b) *Deferred payments.*—(1) Items *deferred from an earlier year*—An item of base salary paid to the employees in an appropriate employee unit during any control year which was earned by any such employees during an earlier control year (or it not during a control year, during the applicable 12-month period beginning on November 14 and ending on November 13) shall not be considered as an item of base salary for such employees for the control year during which such item is paid.

(2) *Items deferred to a later control year.*—An item of base salary paid to the employees in an appropriate employee unit during any control year shall include all such items which were earned by all such employees during such control year.

(3) *Definition.*—For purposes of this paragraph, an item is considered as being "earned" during the control year in which services are performed giving rise to the obligation to pay for the performance of such services whether or not such obligation is contingent upon the performance of future services or any other condition or restriction (including, but not limited to, an agreement not to compete).

(c) *Valuation of items constituting job perquisites.*—The amount of any job perquisite shall be determined by computing:

(1) The employer's current expenditure where such expenditure constitutes the only cost of the item; otherwise

(2) The reasonable cost of providing the item, to be determined from all the facts and circumstances involved.

§ 152.124 Incentive compensation plans.

(a) *Applicability.* (1) *Persons subject to this section.* (i) *Firms subject to self-administration.*—The provisions of this section should be used as guidance in the administration of incentive compensation plans by firms subject to self-administration under the provisions of subpart B of this part.

(ii) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of incentive compensation plans by firms subject to mandatory controls under the provisions of this part.

(iii) *Executive control groups.*—This section provides mandatory rules that are to be applied in determining the amounts of payments, awards, or grants under incentive compensation plans that may be made to members of an executive control group subject to the provisions of § 152.130.

(2) *Payments, awards, and grants subject to this section.*—The provisions of this section are applicable to—

(i) Payments, awards, or grants made on or after August 29, 1973, and

(ii) Payments, awards, or grants made with respect to plan years which end on or after August 29, 1973.

(3) *Stock options.*—The provisions of this section are not applicable to stock options subject to the provisions of § 152.126, but are applicable to stock options subject to the provisions of § 152.131.

(b) *In general.* (1) *Plans in effect on November 13, 1971.*—Subject to the provisions of this section, an employer having an established written plan with respect to items of incentive compensation in effect on November 13, 1971, where the aggregate maximum amount of incentive compensation under the plan is determined according to a definite method or clear formula, may continue to administer such a plan providing the following conditions are met—

(i) There has been a payment prior to November 14, 1971, under the plan with respect to any one of the last 3 plan years ending prior to November 14, 1971;

(ii) Administration of the plan (including application of the definite method or clear formula) is clearly in accordance with all conditions and limitations expressed therein (other than those terms and conditions as may be restricted by this section); and

(iii) Administration of the plan is in the customary manner without any deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

(2) *Plans established on or after November 14, 1971.*—An employer having an incentive compensation plan described in—

(i) Section 152.128(d) (with respect to adoption of new plans) and approved by the Council pursuant to § 152.128,

(ii) Section 152.129(b) (with respect to plans of new organizations) and reported to the Council pursuant to § 152.129,

shall administer such a plan subject to the provisions of paragraphs (b), (c), (d), and (f) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(3) *Certain other plans.*—An employer having an incentive compensation plan described in § 152.128(e) (with respect to certain expiring plans) shall administer such a plan subject to the provisions of paragraphs (b), (c), (d), and (f) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(c) *Computation of allowable amount.* (1) *First plan year.* (i) *Plans described in paragraph (b)(1) of this section.*—The allowable amount of any item of incentive compensation granted to the employees in a plan unit under a plan described in paragraph (b)(1) of this section with respect to the first plan year for which payment is made on or after November 14, 1971, shall not exceed an amount determined as follows: the base year amount plus 5.5 percent of such base year amount.

(ii) *Plans described in paragraph (b)(2) of this section.*—The allowable amount of any item of incentive compensation

granted to the employees in a plan unit under a plan described in paragraph (b)(2)(i) or (ii) of this section with respect to the plan year consisting of the first consecutive 12-month period under which the plan operates shall not exceed the base year amount.

(2) *Certain plan years with respect to plans operating under § 201.35.*—The allowable amount of any item of incentive compensation granted to the employees in a plan unit under a plan which operates under § 201.35 of this title shall not exceed the amount granted with respect to such plan as allowed under § 201.35 with respect to any plan year the plan operated under that section.

(3) *Subsequent plan years.*—The allowable amount of any item of incentive compensation granted to the employees in a plan unit with respect to a plan described in paragraph (b)(1), (2), or (3) of this section with respect to any plan year other than a plan year described in paragraph (c)(1) or (2) of this section shall not exceed an amount equal to the product of:

(i) The allowable amount described in paragraph (c)(1) of this section with respect to such plan, multiplied by 105.5 percent for each year of operation subsequent to the first plan year described in paragraph (c)(1) of this section, or for each year subsequent to the last plan year during which the plan was allowed to operate under § 201.35; and

(ii) The adjustment factor described in paragraph (c)(5) of this section.

For purposes of paragraph (c)(3)(i) of this section the allowable amount with respect to any plan described in paragraph (b)(3) of this section shall be such amount which was granted with respect to the last plan year such plan operated under § 201.35.

(4) *Definition.*—For purposes of this paragraph, the term "base year amount" means—

(i) In the case of a plan described in paragraph (b)(1) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted to the employees in a plan unit with respect to one of the last 3 plan years ending prior to November 14, 1971, for which there has been a payment under the plan prior to November 14, 1971;

(ii) In the case of a plan described in paragraph (b)(2)(i) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation established by the Pay Board or Council as the amount allowed to be granted with respect to the first consecutive 12-month period under which the plan operates; and

(iii) In the case of a plan described in paragraph (b)(2)(ii) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted under the plan with respect to the first consecutive 12-month period under which the plan operates, provided such amount is not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(5) *Adjustment for change in size of plan unit.* (i) *Method.*—The adjustment factor indicated in paragraph (c)(3) of this section with respect to the change in the size of any plan unit shall be a fraction, the numerator of which is the sum of the base unit salary plus base unit salary additions, less base unit salary deletions, and the denominator of which is the base unit salary.

(ii) *Definitions.*—For purposes of paragraph (c)(5)(i) of this section, the term—

(A) "Base unit salary" means the aggregate of the base salaries of all employees in the plan unit on the last day of the base year with respect to the plan at the annual salary rate in effect with respect to each employee on such day;

(B) "Base unit salary additions" means the aggregate of the base salaries of all employees in the plan unit (except those employees added to such unit solely on account of a merger or other type of acquisition occurring on or after November 14, 1971) on the last date of the plan year for which the adjustment is being made who were not in the plan unit on the last day of the base year with respect to the plan at the annual salary rate in effect with respect to each employee on the last day of the plan year for which the adjustment is being made;

(C) "Base unit salary deletions" means the aggregate of the base salaries of all individuals who were in the plan unit on the last day of the base year with respect to the plan but not in the plan unit on the last day of the plan year for which the adjustment is being made at the annual salary rate in effect with respect to each such individual on the last day of the base year; and

(D) "Base year" means—

(1) With respect to a plan described in paragraph (b)(1) or (2) of this section the plan year used to determine the base year amount with respect to such plan; and

(2) With respect to a plan described in paragraph (b)(3) of this section the last plan year the plan operated under § 201.35 of this title.

(d) *Rules with respect to computation of allowable amount.* (1) *Deferred or delayed payments.* (i) *Items deferred or delayed from an earlier plan year.*—For purposes of computing the allowable amount of any item of incentive compensation granted with respect to any plan year, an item of incentive compensation paid to the employees in a plan unit during any plan year which was granted to any such employees with respect to an earlier plan year shall not be considered as an item of incentive compensation for such employees for the plan year during which such item is paid.

(ii) *Items deferred or delayed to a later plan year.*—For purposes of computing the allowable amount of any item of incentive compensation granted with respect to any plan year, an item of incentive compensation granted to the employees in a plan unit with respect to any plan year which is deferred or delayed to a later plan year shall be considered as an item of incentive compensation with respect to such employees for the plan year during which such item is granted.

(iii) *Granted with respect to a plan year.*—For purposes of this section, an item is granted with respect to the plan year for which the amount generated under the plan is computed whether or not such amount is paid during that year.

(iv) *Item deferred or delayed.*—For purposes of this section, an item shall be considered deferred or delayed if it is paid after the close of the plan year with respect to which granted within the meaning of paragraph (d)(1)(iii) of this section.

(2) *Amounts in excess of allowable amount.* (i) *General.*—Except as provided in paragraph (d)(2)(ii) of this section, a firm shall not pay, and employees shall not receive, without the prior approval of the Council, an amount of any item of incentive compensation in excess of the allowable amount determined pursuant to this section. The preceding sentence shall serve as guidance with respect to members of a plan unit who are not members of an executive control group (determined pursuant to § 152.130) and subject to self-administration under the provisions of subpart B of this part.

(ii) *Coextensive appropriate employee unit and plan unit.* (A) *Coverage.*—The provisions of paragraph (d)(2)(ii) of this section are applicable to the grant of an item of incentive compensation only where the employee membership of the plan unit and to the membership of one appropriate employee unit are coextensive.

(B) *Excess charged as wage and salary increase.*—If the amount of any item of incentive compensation granted pursuant to a plan described in paragraph (b)

of this section to which paragraph (c)(1)(ii) of this section does not apply is in excess of the allowable amount of such item with respect to any plan year determined pursuant to the rules contained in paragraph (c) of this section, such excess shall be deemed to be an increase in wages and salaries with respect to the appropriate employee unit during the control year with respect to such appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year).

(C) *Treatment of excess.*—The amount of any excess shall be considered as an increase in wages and salaries during the control year with respect to the appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year). Such amount shall also be considered as a pay adjustment for purposes of the prenotification and reporting requirements of this title with respect to such appropriate employee unit when such amount is considered as wages and salaries.

(D) *Reduction of maximum permissible increase.*—Any amount in excess of an allowable amount as described in paragraph (d)(2)(ii) of this section shall not be allowed to increase the maximum permissible annual aggregate wage and salary increase with respect to the appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to such appropriate employee unit by such amount for the control year such amount is paid (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year).

(E) *Rule with respect to phantom stock awards.*—For purposes of determining the amount of any excess with respect to phantom stock awards, each phantom dividend or share unit shall be deemed to be an actual share of stock not subject to any restriction.

(3) *Valuation of items of incentive compensation.*—The amount of an award shall be determined as follows—

(i) For phantom stock awards: In dividend or share units;

(ii) For performance share awards: Subject to prior approval pursuant to § 152.128, in dollars in an amount equal the present fair market value of the stock to be awarded assuming attainment of at least 75 percent of the performance goal (or such other percentage or amount as established by the Council) allocated evenly over the performance period under the plan;

(iii) For bonuses awarded in stock: In dollars in an amount equal to the fair market value of such stock at the time of the award regardless of any conditions or restrictions, less the amount (if any) paid for such stock by the employee;

(iv) For bonuses awarded in property other than stock: In dollars in an amount equal to the fair market value award, regardless of any conditions or of such property at the time of the award, regardless of any conditions or restrictions, less the amount (if any) paid for such property by the employee;

(v) For employer contributions in money such as contributions to stock bonus plans or profit sharing plans which do not meet the requirements of Section 401(a) of the Code, and stock purchase plans: In dollars in an amount equal to the employer's contribution, regardless of any deferral in time of the employee's rights under such a plan or any other condition or restriction;

(vi) For employer contributions in property other than money (including the right to purchase property, such as stock, at less than the fair market value) to plans described in paragraph (d)(3)(v) of this section: In dollars in an amount equal to the fair market value of such property (less the amount of any employee contributions, if any), regardless of any conditions or limitations, any deferral in time of the employee's rights under the plan, or any other condition or restriction. Stock options not within the provisions of § 152.126 shall be valued in accordance with the provisions of § 152.131.

(e) *Rules with respect to certain plans.*—(1) Any plan described in paragraph (b)(1) of this section which fails to meet the condition of having made the payment or award required under such paragraph shall be considered as a new plan subject to the provisions of § 152.128(d) and paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(2) Any plan described in paragraph (b)(1) of this section which meets the definition of § 152.122 (c) or (f) and operates under § 201.35 shall not operate under such paragraph (b)(1).

(3) Any plan described in paragraph (e)(2) of this section which no longer operates under § 201.35 shall be considered as an expired incentive compensation plan within the meaning of § 152.128 (e) and shall operate under the applicable provisions of this subpart.

(f) *Special rule.* If the amount of payment, award, or grant of any item of incentive compensation exceeds the amount determined by application of the definite method or clear formula in the plan described in paragraph (b) of this section (even if such amount is less than the allowable amount for the plan year involved), then the total amount of such payment, award, or grant shall be considered to be pursuant to the terms of a new, modified, or replacement plan or practice subject to the provisions of § 152.128 or § 152.135, as applicable.

(g) *Application illustrated.*—The provisions of paragraph (c)(3) of this section (relating to subsequent plan years) may be illustrated by the following example:

Example: The base year amount for Corporation X is $100,000. For the first plan year the allowable amount, computed in accordance with paragraph (c)(1) of this section, was $105,500. Assuming no base unit salary additions or deletions requiring the use of the adjustment factor described in paragraph (c)(5), the allowable amount for the second plan year would be $111,303 ($105,500×105.5%). Again assuming no base unit salary additions or deletions, the allowable amount for the third plan year would be $117,424 ($111,304×105.5%).

§ 152.125 Incentive compensation practices.

(a) *Applicability.* (1) *Persons subject to this section.* (i) *Firms subject to self-administration.*—The provisions of this section should be used as guidance in the administration of incentive compensation practices by firms subject to self-administration under the provisions of subpart B of this part.

(ii) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of incentive compensation practices by firms subject to mandatory controls under the provisions of this part.

(iii) *Executive control groups.*—This section provides mandatory rules that are to be applied in determining the amounts of payments, awards, or grants under incentive compensation practices that may be made to members of an executive control group subject to the provisions of § 152.130.

(2) *Payments, awards, or grants subject to this section.*—The provisions of this section are applicable to—

(i) Payments, awards, or grants made on or after August 29, 1973; and

(ii) Payments, awards, or grants made with respect to practice years which end on or after August 29, 1973.

(3) *Stock options.*—The provisions of this section are not applicable to stock options subject to the provisions of § 152.126, but are applicable to stock options subject to the provisions of § 152.131.

(b) *In general.* (1) *Practices in effect on November 13, 1971.*—Subject to the provisions of this section, an employer having a practice (other than a plan described in § 152.124(b)) with respect to items of incentive compensation in effect on November 13, 1971, may continue to administer such a practice providing the following conditions are met—

(i) There has been a payment prior to November 14, 1971, under the practice as a matter of custom or habit with respect to two of the last 3 practice years ending prior to November 14, 1971 (or if the practice has been in existence less than 2 practice years ending prior to November 14, 1971, then with respect to 1 practice year ending prior to such date);

(ii) Administration of the practice is clearly in accordance with demonstrated past custom or habit (other than those customs or habits as may be restricted by this section); and

(iii) Administration of the practice is in the customary manner without any

deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

For purposes of paragraph (b)(1) (ii) and (iii) of this section, where the aggregate maximum amount of incentive compensation under a practice is determined according to a definite method or clear formula, such method or formula shall continue to apply. Where the aggregate maximum amount of incentive compensation under a practice is not so determined the following formula shall be deemed to apply with respect to such a practice: The base year amount with respect to such practice divided by profits of the employer prior to Federal taxes with respect to such base year. The formula so deemed to apply shall continue to apply for purposes of computing the aggregate amount of incentive compensation. If the amount of payment, award, or grant of any item of incentive compensation pursuant to a practice described in this paragraph exceeds the amount determined by application of the formula set forth in this paragraph (even if such amount is less than the allowable amount for the practice year involved), then the total amount of such payment, award, or grant shall be considered pursuant to the terms of a new, modified, or replacement practice subject to the provisions of § 152.128 or § 152.135, as applicable.
pursuant to § 152.129,

(2) *Practices established on or after November 14, 1971.*—An employer having an incentive compensation practice described in—

(i) Section 152.128(d) (with respect to adoption of new practices) and approved by the Council pursuant to § 152.128, or

(ii) Section 152.129(b) (with respect to practices of new organizations) and reported to the Pay Board or Council

shall administer such a practice subject to the provisions of paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(3) *Certain other practices.*—An employer having an incentive compensation practice described in § 152.128(e) (with respect to certain expiring practices) shall administer such a practice subject to the provisions of paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(c) *Computation of allowable amount.* (1) *First practice year.* (i) *Practices described in paragraph (b)(1) of this section.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a practice described in paragraph (b)(1) of this section with respect to the first practice year for which payment is made on or after November 14, 1971, shall not exceed an amount determined as follows: the base year amount plus 5.5 percent of such base year amount.

(ii) *Practices described in paragraph (b)(2) of this section.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a new or revised practice described in paragraph (b)(2) (i) or (ii) of this section with respect to the practice year consisting of the first consecutive 12-month period under which the practice operates shall not exceed the base year amount.

(2) *Certain practice years with respect to practices operating under § 201.35.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a practice which operates under § 201.35 of this title shall not exceed the amount granted with respect to such practice as allowed under § 201.35 with respect to any practice year the practice operated under that section.

(3) *Subsequent practice years.*—The allowable amount of any item of incentive compensation granted to the employees in a practice unit with respect to a practice described in any one of paragraphs (b) (1) through (3) of this section with respect to any practice year other than a practice year described in paragraph (c) (1) or (2) of this section shall not exceed an amount equal to the product of:

(i) The allowable amount described in paragraph (c) of this section with respect to such practice multiplied by 105.5 percent for each year of operation subsequent to the first practice year described in paragraph (c)(1) of this section, or for each year subsequent to the last practice year in which the practice was allowed to operate under § 201.35; and

(ii) The adjustment factor described in paragraph (c)(5) of this section.

For purposes of paragraph (c)(3)(i) of this section, the allowable amount with respect to any practice described in paragraph (b)(3) of this section shall be such amount which was granted with respect to the last practice year such practice operated under § 201.35.

(4) *Definition.*—For purposes of this paragraph the term "base year amount" means—

(i) In the case of a practice described in paragraph (b)(1) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted to the employees in a practice unit with respect to one of the last 3 practice years ending prior to November 14, 1971, for which there has been a payment under the practice prior to November 14, 1971;

(ii) In the case of a practice described in paragraph (b)(2)(i) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation established by the Pay Board or Council as the amount allowed to be granted with respect to the first consecutive 12-month period under which the practice operates; and

(iii) In the case of a practice described in paragraph (b)(2)(ii) of this section, the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted under the practice with respect to the first consecutive 12-month period under which the practice operates, provided such amount is not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(5) *Adjustment for change in size of practice unit.* (i) *Method.*—The adjustment factor referred to in paragraph (c)(3) of this section with respect to the change in the size of any practice unit shall be a fraction, the numerator of which is the sum of the base unit salary plus base unit salary additions, less base unit salary deletions, and the denominator of which is the base unit salary.

(ii) *Definitions.*—For purposes of paragraph (c)(5)(i) of this section, the term—

(*A*) "Base unit salary" means the aggregate of the base salaries of all employees in the practice unit on the last day of the base year with respect to the practice at the annual salary rate in effect with respect to each employee on such day;

(*B*) "Base unit salary additions" means the aggregate of the base salaries of all employees in the practice unit (except those employees added to such unit solely on account of a merger or other type of acquisition occuring on or after November 14, 1971) on the last day of the practice year for which the adjustment is being made who were not in the practice unit on the last day of the base year with respect to the practice at the annual salary rate in effect with respect to each employee on the last day of the practice year for which the adjustment is being made;

(*C*) "Base unit salary deletions" means the aggregate of the base salaries of all individuals who were in the practice unit on the last day of base year with respect to the practice but not in the practice unit on the last day of the practice year for which the adjustment is being made at the annual salary rate in effect with respect to each such individual on the last day of the base year; and

(*D*) "Base year" means—

(*1*) With respect to a practice described in paragraph (b) (1) or (2) of this section the practice year used to determined the base year amount with respect to such practice; and

(*2*) With respect to a practice described in paragraph (b)(3) of this section the last practice year the practice operated under § 201.35.

(d) *Rules with respect to computation of allowable amount.*—(1) *Deferred or delayed payments*—(i) *Items deferred or delayed from an earlier practice year.*—For purposes of computing the allowable amount of any item of incentive compensation granted with respect to any practice year, an item of incentive compensation paid to the employees in a practice unit during any practice year which was granted to any such employees with respect to an earlier practice year shall not be considered as an item of incentive compensation for such employees with respect to the practice year during which such item is paid.

(ii) *Items deferred or delayed to a later practice year.*—For purposes of computing the allowable amount of any item of

incentive compensation granted with respect to any practice year, an item of incentive compensation granted to the employees in a practice unit with respect to any practice year which is deferred or delayed to a later practice year shall be considered as an item of incentive compensation for such employees for the practice year during which such item is granted.

(iii) *Granted with respect to a practice year.*—For purposes of this section, an item is granted with respect to the practice year for which the amount generated under the practice is computed whether or not such amount is paid during such year.

(iv) *Item deferred or delayed.*—For purposes of this section, an item shall be considered deferred or delayed if it is paid after the close of the practice year with respect to which granted within the meaning of paragraph (d)(1)(iii) of this section.

(2) *Amounts in excess of allowable amount.* (i) *General.*—Except as provided in paragraph (d)(2)(ii) of this section, a firm shall not pay and employees shall not receive, without the prior approval of the Council, an amount of any item of incentive compensation in excess of the allowable amount, determined pursuant to this section. The preceding sentence shall serve as guidance with respect to members of a practice unit who are not members of an executive control group (determined pursuant to § 152.130) and who are subject to self-administration under the provisions of subpart B of this part.

(ii) *Coextensive appropriate employee unit and practice unit.* (A) *Coverage.*—The provisions of this subdivision (ii) are applicable to the grant of an item of incentive compensation only where the employee membership of the practice unit and to the membership of one appropriate employee unit are coextensive.

(B) *Excess charged as wage and salary increase.*—If the amount of any item of incentive compensation granted pursuant to a practice described in paragraph (b) of this section to which paragraph (c)(1)(ii) of this section does not apply is in excess of the allowable amount of such item with respect to any practice year determined pursuant to the rules contained in paragraph (c) of this section, such excess shall be deemed to be an increase in wages and salaries with respect to the appropriate employee unit during the control year with respect to such appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the practice year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such practice year).

(C) *Treatment of excess.*—The amount of any excess shall be considered as an increase in wages and salaries during the control year with respect to the appropriate employee unit when paid to such employees in such appropriate employee unit (or if not paid within 6 months after the end of the practice year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such practice year). Such amount shall also be considered as a pay adjustment for purposes of the prenotification and reporting requirements of this title with respect to such appropriate employee unit when such amount is considered as an increase in wages and salaries.

(D) *Reduction of maximum permissible increase.*—Any amount in excess of an allowable amount as described in paragraph (d)(2)(ii) of this section shall not be allowed to increase the maximum permissible annual aggregate wage and salary increase with respect to the appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to such appropriate employee unit by such amount for the control year such amount is paid (or if not paid within 6 months after the end of the plan year with respect to which such amount is paid, then such amount shall be considered paid on the last day of the sixth month after the end of such plan year).

(E) *Rule with respect to phantom stock awards.*—For purposes of determining the amount of any excess with respect to phantom stock awards, each phantom dividend or share unit shall be deemed to be an actual share of stock not subject to any restriction.

(3) *Valuation of items of incentive compensation.*—Items of incentive compensation shall be valued according to the provisions of § 152.124(d)(3.

(e) *Rules with respect to certain practices.*—(1) Any practice described in paragraph (b)(1) of this section which fails to meet the condition of having made the payment or award required under such paragraph shall be considered as a new practice subject to the provisions of § 152.128(d) and paragraphs (b) through (d) of this section (but not including the condition contained in paragraph (b)(1)(i) of this section).

(2) Any practice described in paragraph (b)(1) of this section which meets the definition of § 152.122 (c) or (f) and operates under § 201.35 shall not operate under such paragraph (b)(1).

(3) Any practice described in paragraph (b)(2) of this section which no longer operates under § 201.35 shall be considered as an expired incentive compensation practice within the meaning of § 152.128(e) and shall operate under the applicable provisions of this subpart.

§ 152.126 Certain stock options.

(a) *Applicability.* (1) *Persons subject to this section.* (i) *Firms subject to self-administration.*—The provisions of this section should be used as guidance in the administration of stock option plans by firms subject to self-administration under the provisions of subpart B of this part.

(ii) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of stock option plans by firms subject to mandatory controls under the provisions of this part.

(2) *Plans subject to this section.*—The provisions of this section are effective with respect to fiscal years beginning on or after August 29, 1973. The provisions of § 201.76 (a) and (b) of this title remain applicable to fiscal years beginning prior to such date.

(b) *Certain existing stock options.*—Stock options granted to the employees in a plan unit in writing prior to the close of business on December 16, 1971, under a stock option plan adopted by an employer prior to November 14, 1971, and in effect on November 13, 1971, may be exercised. The grant of such options shall not count against the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year pursuant to paragraph (c)(1) or (d) of this section.

(c) *Stock options not deemed to be an increase in wages and salaries.* (1) *Grant.* (i) *Plan requirements.*—New stock options under a stock option plan adopted by an employer prior to November 14, 1971, and in effect on November 13, 1971, may be granted to the employees in a plan unit under such a stock option plan but only in writing provided that such plan—

(A) Is approved by the employer's stockholders within 12 months of its adoption;

(B) Stipulates a maximum number of shares to be made available for stock option grants;

(C) Establishes and maintains the option price of shares that may be issued at not less than 100 percent of the fair market value of such shares on the date of grant of options for such shares; and

(D) Is administered in accordance with the customary manner.

(ii) *Aggregate share limitation with respect to the fiscal year beginning prior to November 14, 1972.* The allowable number of shares that may be issued under new stock options granted during an employer's fiscal year which began prior to November 14, 1972, under a stock option plan described in paragraph (c)(1)(i) of this section which meets all the requirements of that paragraph shall not exceed the number of shares determined as follows: The number of shares (adjusted to reflect stock splits and stock dividends) covered under stock options granted under such plan during the last 3 fiscal years of the employer ending prior to November 14, 1971, divided by 3; provided, however, if the plan was in effect on November 13, 1971, for at least 1 fiscal year of the employer ending prior to November 14, 1971, but less than 3 such fiscal years, the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year which began prior to November 14, 1972, shall not exceed the number of shares (adjusted to reflect

stock splits and stock dividends) covered under stock options granted during the existence of the plan through the end of the fiscal year ending before November 14, 1971, that such plan was in existence divided by the number of such fiscal years;

(iii) *Aggregate share limitation with respect to fiscal years beginning on or after November 14, 1972.*—Except for fiscal years of an employer covered by paragraph (d) of this section, the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning on or after November 14, 1972, under a stock option plan which meets all the requirements of paragraph (c)(1)(i) of this section shall not exceed the number of shares (adjusted to reflect stock splits and stock dividends) determined:

(A) By dividing the total number of shares covered under stock options granted under such plan prior to the close of business on December 16, 1971, by the number of fiscal years during which the plan operated prior to the close of business on December 16, 1971; and

(B) By multiplying the number determined in paragraph (c)(1)(iii)(A) of this section by a fraction, the numerator of which is the number of employees in the plan unit on the first day of the fiscal year with respect to which the allowable number of shares is determined and the denominator of which is the average number of employees in the plan unit during the fiscal years the plan operated prior to the fiscal year for which the allowable number of shares is determined. The term "number of employees in the plan unit on the first day of the fiscal year" means the number of employees who held options during the immediately preceding fiscal year, less the number of employees who became ineligible to receive options during such preceding fiscal year because of termination or transfer, plus those employees to whom, in accordance with past practice, the employer intends to grant options during the fiscal year who were not eligible to receive option grants during the immediately preceding fiscal year because of tenure, position, salary level, or similar eligibility requirement. For purposes of computing the average number of employees in the plan unit, the plan unit shall be deemed to consist of all employees at the end of each fiscal year of the employer during which the plan operates who held options granted under such plan or who exercised options which had been granted under such plan.

(2) *Exercise.*—New stock options covering shares within the applicable aggregate share limitations of this paragraph and paragraph (d) of this section under a stock option plan which meets all the requirements of paragraph (c)(1)(i) of this section may be exercised by the employees in a plan unit under such a stock option plan.

(3) *Excess.*—Options for shares in exces of the aggregate share limitation with respect to new stock options granted during an employer's fiscal year determined according to the rules contained in paragraph (c)(1) of this section (or where applicable under paragraph (d) of this section) under a stock option plan which meets all the requirements of paragraph (c)(1)(i) of this section shall not be granted without the prior approval of the Council pursuant to § 152.128 and options granted without such approval shall not be exercised unless prior approval has been obtained.

(d) *Rules for determining aggregate share limitation with respect to certain existing and new plans*—(1) *Certain plans in effect on November 13, 1971.*—For purposes of determining the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year under a stock option plan described in paragraph (c)(1)(i) of this section if any plan was—

(i) In effect on November 13, 1971, and no stock options were granted during the life of the plan prior to the employer's fiscal year beginning on or after November 14, 1972, the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning on or after November 14, 1972, shall not exceed 25 percent of the number of shares (adjusted to reflect stock splits and stock dividends) authorized for stock options at the time the plan was adopted, or, if amended to increase share authorization, at the time last amended. After such fiscal year, the aggregate share limitation, computed as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section shall apply.

(ii) In effect on November 13, 1971, for less than a full fiscal year of the employer, (A) the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning prior to November 14, 1972, shall not exceed the greater of the number of shares (adjusted to reflect stock splits and stock dividends) subject to options actually granted prior to November 14, 1971, during such period of less than a full fiscal year, or 25 percent of the number of shares authorized for stock options during the life of the plan, and (B) the allowable number of shares (adjusted to reflect stock splits and stock dividends) that may be issued under new stock options pursuant to such plan during an employer's fiscal year beginning on or after November 14, 1972, shall be determined pursuant to the provisions of paragraph (d)(1)(i) of this section or shall be computed as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section, whichever is applicable.

(iii) In effect on November 13, 1971, for three or more fiscal years of the employer ending prior to November 14, 1971, and no stock options were granted during the 3 fiscal years ending before such date, (A) the allowable number of shares that may be issued under new stock options granted during an employer's fiscal year beginning prior to November 14, 1972, shall not exceed 25 percent of the number of shares (adjusted to reflect stock splits and stock dividends) authorized for stock options but not granted during the life of the plan; and (B) the allowable number of shares that may be issued under new stock options pursuant to such plan during an employer's fiscal year beginning on or after November 14, 1972, shall be determined pursuant to the provisions of paragraph (d)(1)(i) of this section or shall be computed as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section, whichever is applicable.

(2) *Plans approved pursuant to § 152.128.*—The allowable number of shares that may be issued under new stock options granted under a stock option plan which is approved pursuant to § 152.128 and which meets all the requirements of paragraph (c)(1)(i) of this section shall be:

(i) For the first fiscal year grants are made pursuant to such plan approval the number of shares established by the Pay Board or Council as the aggregate share limitation.

(ii) For each subsequent fiscal year the aggregate share limitation for the first fiscal year multiplied by the adjustment factor established in paragraph (c)(1)(iii)(B) of this section. For the purposes of this computation the plan unit for the first fiscal year the plan operated shall be deemed to consist of all employees who held options at the end of, or exercised options during such fiscal year. The plan unit on the first day of the fiscal year with respect to which the allowable number of shares is determined shall be the plan unit for the first fiscal year the plan operated plus those employees that the employer intends to grant options to during the fiscal year described in this paragraph who were not eligible to receive option grants during the first fiscal year because of tenure, position, salary level or similar eligibility standard, less those employees who terminate employment or are transferred to positions in which they become ineligible for options under the plan.

(3) *Plans reported pursuant to § 152.129.*—The allowable number of shares that may be issued under new stock options granted under a stock option plan which was reported to the Council pursuant to § 152.129 and which meets all the requirements of paragraph (c)(1)(i) of this section shall be: (i) For the first fiscal year grants are made with respect to the reported plan, the number of shares reported as to be covered by grants during such fiscal year, provided such grants are not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program; and (ii) for each fiscal year thereafter, using the number of shares reported for the first fiscal year (and not disapproved by the Council) as the aggregate share limitation for the

first fiscal year, and computing the aggregate share limitations for subsequent fiscal years as though the plan were subject to the provisions of paragraph (d)(2)(ii) of this section.

(4) *Plans described in § 152.128.*—The allowable number of shares that may be issued under new stock options granted under a stock option plan which is described in § 152.128(e) and which meets all the requirements of paragraph (c)(1)(i) of this section shall be: (i) For any fiscal year the plan operates under § 201.35, the number of shares allowed to be covered by grants under § 201.35; and (ii) for each fiscal year thereafter the number of shares determined pursuant to paragraph (c)(1)(iii) of this section if the plan operated for 3 or more fiscal years which ended prior to the close of business on December 16, 1971, or, if the plan did not operate for such period, determined as though the provisions of paragraph (d)(2)(ii) of this section were applicable, using the number of shares granted during the last fiscal year the plan operated under § 201.35 as the aggregate share limitation for the first fiscal year.

(e) *Special rules.*—(1) For purposes of determining the allowable number of shares to be issued under new stock options during an employer's fiscal year pursuant to paragraphs (c) or (d) of this section the term "fiscal year" means the 12 month period constituting the employer's fiscal year. Parts of such a fiscal year shall be measured in months, such months constituting twelfths of a fiscal year. Parts of such a month shall be counted as a full month.

(2) For purposes of this paragraph the term "new stock option" shall include—(i) an option not previously granted with respect to shares covered under a stock option plan regardless of whether the shares covered under such new option were previously covered under another stock option, and (ii) an option previously granted where the exercise period with respect to such option is modified.

(3) Where an employer has two or more plans which meet all the requirements of paragraph (c)(1)(i) of this section, the aggregate share limitation applicable to each plan shall be determined separately; however, options may be granted pursuant to any or all of the plans if the total shares subject to option grants during the fiscal year do not exceed the sum of the aggregate share limitations applicable to the several plans.

(f) *Other stock options.*—For rules with respect to the treatment of stock options which are not within the provisions of paragraph (b) or (c) of this section, see § 152.131.

(g) *Rules with respect to certain plans.*—(1) Stock options granted under a stock option plan described in paragraph (c)(1)(i) of this section which meets the definition of § 152.122 (c) or (f) and operates under § 201.35 shall not operate under such paragraph (c)(1).

(2) Any plan described in paragraph (g)(1) of this section, which no longer operates under § 201.35, shall be considered as an expired stock option plan within the meaning of § 152.128(e) and shall operate under the applicable provisions of this subpart.

§ 152.127 Sales or commission plans or practices and certain production incentive programs.

(a) *Applicability.*—(1) *Firms subject to self-administration.* The provisions of this section should be used as guidance in the administration of sales or commission plans and practices and production incentive programs by firms subject to self-administration under the provisions of subpart B of this part.

(2) *Firms subject to mandatory controls.*—This section provides mandatory rules applicable to the administration of sales or commission plans and practices and production incentive programs by firms subject to mandatory controls under the provisions of this part.

(b) *In general.* (1) *Established plans, practices, or programs.*—A sales or commission plan or practice established and in effect on November 13, 1971, or a production incentive program established, and in effect on such date may continue to operate in accordance with its provisions and subject to the provisions of this chapter. Generally, such plans, practices, or programs are those which directly reflect the performance of the employee participant in the form of sales or production output. Thus, for example, an incentive award related to profits is generally not a sales or commission plan or practice or a production incentive program within the meaning of this section. A plan, practice, or program under which payments, awards, or grants are based on sales or production output does not operate under this section if the plan, practice, or program unit includes employees (e.g., top management) whose primary responsibilities are not directly related to sales or production output.

(2) *New plans, practices, or programs.*—An employer having a sales or commission plan or practice or a production incentive program described in § 152.128(d) (with respect to new plans, practices, or programs), and approved by the Council pursuant to § 152.128 or described in § 152.129(b) (with respect to new organizations) and reported to the Council pursuant to § 152.129 shall administer such a plan, practice, or program subject to the provisions of this chapter.

(c) *Change in method of calculating earnings.*—Amounts paid under a plan, practice, or program described in paragraph (b) of this section shall not be considered as an increase in wages and salaries with respect to the appropriate employee units of the employees participating in the plan, practice, or program units unless there has been a change in the method of calculating the earnings under such a plan, practice, or program resulting in an increase in the aggregate amount of compensation with respect to such plan, practice, or program unit for the plan, practice, or program year such change occurs. Thus, a downward revision of the rate or formula with respect to a plan, practice, or program where there is an increase in the aggregate amount of compensation attributable to factors unrelated to the change in rate or formula, such as an increase in volume, either in dollars or units, under such plan, practice, or program, does not result in an increase with respect to the appropriate employee units of the employees participating in the plan, practice, or program unit.

(d) *Increases in wages and salaries.*—The amount of the increase in wages and salaries described in paragraph (c) of this section shall be deemed to be an increase in wages and salaries with respect to the appropriate employee units of the employees participating in the plan, practice, or program unit. Such increase shall be apportioned to the appropriate employee units of the employees participating in the plan, practice, or program unit. The amount of such increase which shall be apportioned to an appropriate employee unit shall be determined when the amount constituting the increase is paid as follows: The number of employees in an appropriate employee unit who are participating in such a plan, practice, or program unit multiplied by a fraction, the numerator of which is the amount of the increase and the denominator of which is the number of employees in the plan, practice, or program unit. The amount so apportioned to each appropriate employee unit with respect to any plan, practice, or program year shall be considered as an increase in wages and salaries during the control year such amount is paid (or if not paid, the control year such amount would have been paid had such amount been paid). Such amount shall also be considered as a pay adjustment for purposes of the prenotification and reporting requirements of this title with respect to each such appropriate employee unit when such amount is considered as an increase in wages and salaries. Such amount shall not be allowed to increase the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to an appropriate employee unit by such amount for the control year such amount is paid. For purposes of this section, a plan, practice, or program without a specified plan, practice, or program year shall be considered as operating during the 12-month period beginning on November 14 and ending on November 13.

(e) *Certain productivity programs.*—Notwithstanding the provisions of this section and §§ 152.128 and 152.129, any productivity incentive program described in § 201.61 of this title shall be governed by the provisions of that section.

§ 152.128 New or revised plans, practices, or programs.

(a) *Scope.* (1) *Firms subject to self-administration.*—With respect to firms subject to the provisions of subpart B of this part, the provisions of this section are applicable to incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs which apply to or affect one or more members of an executive control group (as determined pursuant to § 152.130).

(2) *Firms subject to mandatory controls.*—With respect to firms subject to mandatory controls under this part, the provisions of this section are aplicable to all incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs.

(b) *Replacement of existing plans, practices, or programs.*—(1) An employer may, without the approval of the Council, adopt a new incentive compensation plan or practice, sales or commission plan or practice, or production incentive program replacing such a plan, practice, or program operating under the provisions of this subpart which has lapsed or terminated on account of the operation of time only when such new plan, practice, or program does not increase the aggregate amount of compensation that would have been granted (whether or not currently) the plan, practice, or program unit had the replaced plan, practice, or program not lapsed or terminated on account of the operation of time. Such new plan, practice, or program shall continue to operate under the applicable provisions of this subpart. Thus, an incentive compensation plan in effect on November 13, 1971, described in § 152.124 (b)(1) and operating under § 152.124 which is replaced under the provisions of this subparagraph shall continue to operate under § 152.124 (including any limitations with respect to the allowable amount with respect to such plan applicable prior to replacement).

(2) Replacement of an existing plan, practice, or program other than a replacement described in paragraph (b)(1) of this section shall be submitted to the Council for prior approval pursuant to paragraph (d) of this section.

(3) For purposes of paragraph (b)(1) of this section, a stock option plan under which all of the authorized shares have been the subject of option grants shall be considered as having lapsed or terminated on account of the operation of time.

(c) *Modification or revision of existing plans, practices, or programs.*—(1) An employer may, without the approval of the Council modify or revise an incentive compensation plan or practice operating under the provisions of this subpart only when such modified or revised plan or practice does not increase the aggregate amount of compensation that would have otherwise been granted (whether or not currently) a plan or practice unit under the plan or practice without taking such modification or revision into account.

(2) Any modification or revision of an incentive compensation plan or practice not described in paragraph (c)(1) of this section shall be submitted to the Council for prior approval. Modifications or revisions requiring such approval include the reduction of performance goals or targets from those in the base year under an incentive compensation plan or practice, the decrease in the price under a stock option plan at which a stock option may be exercised, and the alteration of eligibility requirements for participation in an incentive compensation plan or practice which would increase the number of employees eligible to participate in the plan or practice unit.

(3) For the treatment of a modification or revision of a sales or commission plan or practice or a production incentive program resulting in an increase in the aggregate amount of compensation that would otherwise have been granted (whether or not currently), see § 152.127.

(d) *Adoption of new plans, practices, or programs*—(1) *Approval.* An employer may adopt a new incentive compensation plan or practice, sales or commission plan or practice, or production incentive program where such a plan, practice, or program did not exist prior to November 14, 1971, only upon the prior approval of the Council and under such terms and conditions as may be imposed by the Council. In the case of a stock option plan requiring the prior approval of the Council, no stock options shall be granted in anticipation of or subject to such approval.

(2) *Performance share plans.*—An employer may utilize the valuation for performance share awards set forth in § 152.124(d)(3)(ii) only upon the prior approval of the Council (pursuant to paragraph (d)(1) of this section) of a performance share plan under which performance share awards are to be granted, and subject to such terms and conditions as may be imposed by the Council.

(e) *Rules with respect to certain expired plans, practices, and programs.*—Any plan, practice, or program which meets the definitions of § 152.122(c) or (f) and operated under the provisions of § 201.35 of this title, but which no longer operates under such section shall be allowed to operate only as provided under the provisions of this subpart; provided, however, that to the extent incentive compensation attributable to such plans, practices, or programs is not treated as wages and salaries, or as an increase thereto, under the provisions of this subpart such compensation shall not be included in computing the base compensation rate of any appropriate employee unit of which employees in the plan unit are a part. Thus, for example, items granted under an incentive compensation plan described in § 152.124(b)(1) which meets the definition of § 152.122(c) or (f) and operated under § 201.35 are not treated as an increase in wages and salaries and are not included in computing the base compensation rate of any appropriate employee unit of which employees in the plan or practice unit are a part.

(f) *Rules with respect to plans, practices, or programs described in paragraph (b), (c), or (d) of this section.*—A new plan, practice, or program adopted pursuant to paragraph (b) or (d) of this section or a plan, practice, or program modified or revised pursuant to paragraph (c) of this section or allowed to operate pursuant to paragraph (e) of this section shall comply with other relevant sections of this subpart applicable to plans, practices, or programs in effect on November 13, 1971.

(g) *Criteria.*—In considering applications for approval pursuant to the provisions of this section, or for exceptions from the provisions of this section or other provisions of this subpart, the Council will review the facts and circumstances of each case and utilize the criteria set forth in § 201.30 of this title as such may be applicable.

§ 152.129 New organizations and changes in organizational form.

(a) *Scope.* (1) *Firms subject to self-administration.*—With respect to firms subject to the provisions of subpart B of this part, the provisions of this section are applicable to incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs which apply to or affect one or more members of an executive control group (as determined pursuant to § 152.130).

(2) *Firms subject to mandatory controls.*—With respect to firms subject to mandatory controls under this part, the provisions of this section are applicable to all incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs.

(b) *New organizations.* (1) *General.*—Any business, enterprise, partnership, corporation, association, or any other organization organized or established on or after November 14, 1971, which is not a successor to any such organization in existence before such date, may establish incentive compensation plans or practices, sales or commission plans or practices, or production incentive programs provided that within 90 days after establishment of such business, enterprise, partnership, corporation, association, or other organization, all such plans, practices, or programs shall be filed in report form with the Council. The report filed shall in detail describe such plans, practices, of programs including the amount of each item of actual or anticipated compensation (including items described in § 152.123) with respect to each appropriate employee unit (or, where appropriate, the employees in such unit). Also, where available, this description shall include compensation levels of appropriate employee units (or, where appropriate, the employees in such unit) in comparable jobs in nearby

firms. The report filed shall also demonstrate that the establishment of the entity and such plans, practices, or programs was not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(2) *Incorporation of an existing proprietorship or partnership.*—For purposes of this section, the incorporation of an existing proprietorship or partnership shall be treated as the creation of a new organization subject to the provisions of this paragraph, and not as a change in organization form subject to the provisions of paragraph (c) of this section.

(c) *Changes in organization form (other than mergers and similar reorganizations).*—If an employer is doing business in a particular organizational form and thereafter reorganizes and conducts its business in a different organizational form and, before, after, or as part of and on account of such reorganization establishes new incentive compensation plans or practices, sales or commission plans or practices, or production incentive programs which are successors to plans, practices, or programs in effect before such reorganization and which operate under the provisions of this subpart, it shall, within 90 days after such reorganization file in report form all such plans, practices, or programs with the Council. The report filed shall in detail describe such plans, practices, or programs including the amount of each item of actual or anticipated compensation (including items described in § 152.123) with respect levels of appropriate employee units (or, where appropriate, the employees in such unit). Also, when available, this description shall include compensation levels of appropriate employee units (or, where appropriate, the employees in such unit) in similar positions in the predecessor organization (or organizations) prior to the reorganization. The report filed shall also demonstrate that the reorganization and establishment of such plans, practices, or programs were not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the standards and goals of the Economic Stabilization Program. For purposes of this paragraph a plan, practice, or program is considered as a "successor" to another plan, practice, or program where such plan, practice, or program does not increase the aggregate amount of compensation that would have otherwise been granted (whether or not currently) a plan, practice, or program unit without taking the reorganization into account. Plans, practices, or programs which are not successor plans, practices, or programs shall be considered as new plans, practices, or programs subject to the provisions of § 152.128 (d)(1).

(d) *Mergers and similar reorganizations.*—If an employer merges with, or otherwise acquires, another business, enterprise, partnership, corporation, association, or any other organization, such employer may continue its incentive compensation plans and practices, sales or commission plans and practices, and production incentive programs pursuant to the applicable provisions of this subpart and the employees of such other organization may be added to such plans, practices, or programs pursuant to the applicable provisions of this subpart. The employer may continue the incentive compensation plans and practices, sales or commissions plans and practices, and production programs of such other organizations pursuant to the applicable provisions of this subpart and the employees of the employer may be added to such plans, practices, or programs pursuant to the applicable provisions of this subpart. Plans, practices, or programs which are not successor plans, practices, or programs within the meaning of paragraph (c) of this section shall be considered as new plans, practices, or programs subject to the provisions of § 152.128(d)(1). Employers who wish to combine plans, practices, or programs on account of such a merger shall submit such combined plans, practices, or programs to the Council for prior approval.

(e) *Carryover of attributes.*—For purposes of this subpart, a change in organizational form described in paragraph (c) or (d) of this section shall not affect the applicable attributes of the employer, such as appropriate employee units, plan, practice, or program units, plan, practice, or program years, or control years. Such attributes shall be carried over by the employer undertaking such a change in form, unless otherwise clearly required by the organizational change.

§ 152.130 Executive control groups.

(a) *Scope.*—This section is applicable to the pay adjustments of all firms not exempt under the provisions of subpart D or E of this part, and establishes special mandatory rules with respect to pay adjustments to members of executive control groups. The rules provided in this section are in addition to any rules provided elsewhere in this title with respect to pay adjustments to members of appropriate employee units or to members of plan, practice, or program units. To the extent that the provisions of this section are inconsistent with any other provision of this title, the provisions of this section shall control; however, see § 152.133(d) for the effect of outstanding decisions and orders.

(b) *Designation of executive control group.*—Every firm shall designate one executive control group. An executive control group may consist of employees who are members of the same appropriate employee unit (but not necessarily all of the members of the same appropriate employee unit) or members of more than one appropriate employee unit. The executive control group of a firm shall consist of—

(1) All officers of the firm; and

(2) All employee directors of the firm whose aggregate direct remuneration from the firm, (or in the case of an affiliated group of entities, from any or all such entities) including salary, fees, perquisites, per diem reimbursement, and other forms of remuneration, individually exceeds $30,000 in the fiscal year.

(c) *Definitions.*—For purposes of this section—

(1) "Officer" means a president, vice president, treasurer, secretary, comptroller, or any other employee who performs for a firm, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers. In the case of a firm subject to the Rules and Regulations issued by the United States Securities and Exchange Commission, the term "officer" means the same as in Rule 3b-2 of such Rules and Regulations.

(2) "Fiscal year" means a firm's customary 12-month fiscal accounting year.

(3) "Fiscal base date" means with respect to a fiscal year, the day before the first day of such fiscal year.

(4) "Base year" means the same as in § 152.124(c)(5)(ii)(D) or § 152.125(c)(5)(ii)D), whichever is applicable.

(5) "Base group salary" means the aggregate of the base salaries of all members of an executive control group on the last day of the base year, at the annual salary rate in effect with respect to each employee on such day.

(6) "Base group salary additions" means the aggregate of the base salaries of all members of the executive control group on the last day of a fiscal year who were not in such group on the last day of the base year, at the annual salary rate in effect with respect to each employee on the last day of the fiscal year.

(7) "Base group salary deletions" means the aggregate of the base salaries of all members of the executive control group who were in such group on the last day of the base year but who are not in such group on the last day of a fiscal year, at the annual salary rate in effect with respect to each employee on the last day of the base year.

(8) "Base period" means, at the election of a firm—

(i) The last 4 plan or practice years ending prior to November 14, 1972, for which there have been payments under an incentive compensation plan or practice prior to November 14, 1972; or

(ii) The most recent plan or practice year ending prior to August 29, 1973, for which a payment has been made prior to such date.

(9) "Firm" means the same as in § 152.2, except that in the case of an affiliated group of entities it shall mean only the parent.

(10) "Affiliated group of entities" means a parent and those entities diparent.

(11) "Parent" means a firm that is not controlled, directly or indirectly, by another person unless such other person is an individual, group, or entity whose

control is essentially of an investment nature. Any firm that constitutes an issuer within the meaning of Regulation 14A of the United States Securities and Exchange Commission shall in any event be deemed a parent for purposes of this section.

(d) *Limitation on salary increases.* (1) *General.*—Except as provided in paragraph (d)(3) of this section, the average group salary rate with respect to an executive control group in a fiscal year shall at no time exceed 105.5 percent of the average group salary rate determined with respect to the composition of the executive control group on the fiscal base date, computed in accordance with the provisions of paragraph (d)(2) of this section.

(2) *Computation of average group salary rate.* (i) *General.*—The average group salary rate shall be expressed in terms of dollars per year, and shall be determined by constructing a fraction, the numerator of which shall be the sum of the annual base salaries with respect to the positions in the executive control group, and the denominator of which shall the number of positions in such group.

(ii) *Rules with respect to changes in composition of group*—

(A) If, during a fiscal year, a position is deleted from an executive control group, the base salary for such position shall be excluded from the computation of the average group salary with respect to the fiscal base date.

(B) If, during a fiscal year, a new position is added to an executive control group, and such position is actually filled during the fiscal year, the base salary for such position shall be included in the computation of the average group salary with respect to the fiscal base date. For purposes of the preceding sentence, a position shall be considered filled only if an employee actually performs work in such position during the fiscal year. The rules in § 201.62 of this title shall apply with respect to the determination of base salary for a new position.

(C) If, during a fiscal year, solely as a result of retrospective recomputations required under paragraphs (d)(2)(ii)(A) and (B) of this section, the average group salary is determined to exceed 105.5 percent of the average group salary determined with respect to the fiscal base date, then no further salary increase may be put into effect in the executive control group with respect to the fiscal year.

(iii) *Promotions.*—For purposes of the computation of increases in the average group salary set forth in this subparagraph, no excluion shall be made for increases attributable to promotions.

(3) *Special rule.*—For purposes of this paragraph, a firm may elect to treat an executive control group as though such group were a separate appropriate employee unit. If such an election is made, wage and salary increases in such group shall not exceed the general wage and salary standard, applied to a base compensation rate computed for such group. Such base compensation rate shall incorporate an average straight-time hourly rate determined with respect to the employees who are members of such group, and an average hourly rate of employer contributions to fringe benefits (both included and qualified) attributable to such employees. The provisions of this subparagraph shall not operate to permit any actual change of appropriate employee units and do not affect any other provisions of this part.

(e) *Limitation on incentive compensation.* (1) *General.*—Payments, awards, or grants of incentive compensation pursuant to incentive compensation plans or practices subject to the provisions of § 152.125, as applicable, and before adjustment for changes in size of plan or practice unit) and the apportionment factor for the plan or practice determined pursuant to paragraph (e)(2) of this section, multiplied by the adjustment factor for the executive control group, shall not exceed an amount which is equal to the product of the allowable amount for the plan or practice unit (determined pursuant to § 152.124 or § 152.125, as applicable) and the apportionment factor for the plan or practice determined pursuant to paragraph (e)(2) of this section, multiplied by the adjustment factor for the executive control group determined pursuant to paragraph (e)(3) of this section.

(2) *Apportionment factor.*—For purposes of this paragraph, an apportionment factor for an incentive compensation plan or practice shall be computed by constructing a fraction, the numerator of which shall be the total of payments, awards or grants pursuant to such plan or practice made to the executive control group with respect to the base period, and the denominator of which shall be the total of payments, awards, or grants pursuant to such plan or practice made to all employees in the plan, practice or program unit with respect to the base period.

(3) *Adjustment factor.*—For purposes of this paragraph, an adjustment factor for an executive control group shall be computed by constructing a fraction, the numerator of which shall be the sum of the base group salary plus base group salary additions less base group salary deletions through such fiscal year, and the denominator of which shall be the base group salary.

(f) *Reporting.*—A firm which derives annual sales or revenues in excess of $250 million (including the sales or revenues attributable to any affiliated group of entities of which such firm is the parent) shall submit a report to the Council not later than 10 days after any payment, award, or grant of any item of incentive compensation subject to § 152.124 or § 152.125 is made with respect to a member of an executive control group. If no payments, awards, or grants are made pursuant to an incentive compensation plan or practice subject to § 152.124 or § 152.125, a firm shall submit a report to the Council not later than 30 days after the end of a fiscal year. A report submitted under this paragraph shall be submitted on forms prescribed by and pursuant to instructions issued by the Council and shall contain, with respect to the members of the executive control group—

(1) Separate listings of aggregate base salaries for the fiscal year with respect to which such payment, grant, or award is made, and all items of incentive compensation under plans or practices subject to § 152.124 or § 152.125 paid, awarded, or granted with respect to the same fiscal year;

(2) The same information for the prior fiscal year;

(3) A listing of all increases in the aggregate base salaries of members of the executive control group attributable to promotions for the fiscal year with respect to which such payment, award, or grant is made, and for the prior fiscal year; and

(4) A listing of all items of deferred compensation payable to members of the executive control group with respect to such fiscal year. In addition, such report shall include individual compensation data with respect to all directors that are members of the executive control group, identified by name and position, and with respect to the three officers, identified by name and position, whose aggregate direct remuneration most exceeds $30,000, if any. Other officers need not be identified individually by name or position, unless such information is requested by the Council.

(g) *Recordkeeping.*—A firm which derives annual sales or revenues in excess of $50 million (including the sales or revenues attributable to any affiliated group of entities of which such firm is the parent) shall maintain records sufficient to permit the submission of a report described in paragraph (f) of this section, upon request by the Council.

(h) *Exceptions.*—An application for exception to the limitations imposed under the provisions of paragraph (d) or (e) of this section may be submitted to the Council. Such an exception may be approved by the Council only upon a demonstration of extreme hardship or severe inequity caused by the application of such limitations.

(i) *Prior increases, payments, awards, or grants.* Notwithstanding any other provision of this section, wage and salary increases or payments, awards, or grants subject to the provisions of this subpart, lawfully made or put into effect with respect to members of an executive control group prior to August 29, 1973, shall not constitute a violation under the Act. However, if such increases, payments, awards, or grants exceed, with respect to a fiscal year ending on or after August 29, 1973, the increase, payment, award, or grant permissible for such fiscal year under the provisions of this section, then no further increase, payment, award, or grant may be made or put into effect with respect to such fiscal year without the prior approval of the Council. Notwithstanding the preceding sentence, increases, payments, awards or grants subject to the terms

of a prior decision and order issued by the Pay Board or Council are subject to the provisions of § 152.133(d).

§ 152.131 Stock option plans deemed to be incentive compensation plans or practices subject to § 152.124 or § 152.125.

(a) *Applicability.* (1) *Persons subject to this section.*—This section shall be applicable to stock option plans for all nonexempt firms whether subject to self-administration or subject to mandatory controls and to all executive control groups in the same manner as if such plans were incentive compensation plans or practices under §§ 152.124 and 152.125, respectively.

(2) *Grants and exercises subject to this section.*—This section shall be applicable to—

(i) Grants and exercises of stock options made on or after August 29, 1973; and

(ii) Grants and exercises made with respect to plan or practice years which end on or after August 29, 1973.

(b) *General.* (1) *Grant.*—Except for stock options granted pursuant to the provisions of § 152.126(b), the grant of any stock option under a stock option plan (whether or not such plan operated under § 201.35) failing to meet all the requirements of § 152.126(c)(1)(i) where such plan—

(i) Was adopted prior to November 14, 1971, and was in effect on November 13, 1971, or

(ii) Was adopted on or after November 14, 1971, and was approved by the Pay Board or Council,

shall be deemed to be pursuant to the operation of an incentive compensation plan or practice subject to the provisions of § 152.124 or § 152.125, as appropriate. Except as provided in § 152.128(b) (with respect to replacement of stock option plans under which options covering all of the authorized shares have been granted), options under stock option plans adopted on or after November 14, 1971, shall not be granted until such plan is approved by the Council pursuant to § 152.128.

(2) *Exercise.* Except for stock options granted pursuant to the provisions of § 152.126(b), the exercise of any stock option granted under a stock option plan (whether or not such plan operates under § 201.35) failing to meet all the requirements of § 152.126(c)(1)(i) where such plan—

(i) Was adopted prior to November 14, 1971, and was in effect on November 13, 1971, or

(ii) Was adopted on or after November 14, 1971, and was approved by the Pay Board or Council,

shall be deemed to be pursuant to the operation of an incentive compensation plan or practice subject to the provisions of § 152.124 or § 152.125, as appropriate. Except as provided in § 152.128(b) (with respect to replacement of stock option plans under which options covering all of the authorized shares have been granted), options under stock option plans adopted on or after November 14, 1971, shall not be granted or exercised until such plan is approved by the Council pursuant to § 152.128.

(c) *Valuation of stock options.*—For purposes of paragraph (b) of this section the value of a stock option—

(1) When granted shall be an amount equal to the value of such option at the time of grant (without taking into account any conditions or restrictions imposed under the stock option or on the shares under option) determined as follows: the sum of the option premium plus the excess of the fair market value of the shares under option at the time of the grant over the price of the shares under the option, and

(2) When exercised shall be an amount equal to the value of such option at the time of exercise (without taking into account any conditions or restrictions imposed under the stock option or on the shares under option) determined as follows: the excess of the fair market value of the shares under option at the time of exercise over the sum of the option premium plus the fair market value of the shares under the option at the time of the grant.

For purposes of this paragraph the term "option premium" means the value of the shares under option. Such value shall be an amount equal to 25 percent of the fair market value of the shares under option at the time of grant without taking into account any conditions or restrictions imposed under the stock option or on the shares under option.

§ 152.132 Qualified stock bonus plans.

Stock bonus plans which meet the requirements of Section 401(a) of the Code shall not be subject to the provisions of this subpart, but shall be treated as qualified benefits in accordance with the provisions of § 201.59 of this title. Nonchargeable employer contributions to such qualified stock bonus plans shall be computed under the rules applicable to contributions to qualified deferred profit sharing plans set forth in § 201.59(f)(2) of this title.

§ 152.133 Prior decisions and orders.

(a) *General.* This part shall not operate to permit prospective payments, awards, or grants under an executive and variable compensation plan, practice, or program, where such plan, practice, or program is subject to a Pay Board or Council decision and order, except to the extent consistent with such decision and order.

(b) *Pay adjustments subject to self administration.* Notwithstanding the provisions of paragraph (a) of this section, a decision and order relating to executive and variable compensation, not affecting employees in the food, health services, or construction industry, shall be effective only for payments, awards, or grants made with respect to plan, practice, or fiscal years (as appropriate) which begin prior to January 11, 1973. Where such a decision and order requires that payments, awards, or grants are to be charged as wages and salaries, and such payments, awards, or grants are made after January 10, 1973, such payments, awards, or grants, together with any other wage and salary increases subject to voluntary controls, shall be subject to the general wage and salary standard set forth in § 152.13, unless such payments, awards, or grants are made during a control year covered by a Pay Board or Council decision and order which limits wage and salary increases paid in an appropriate employee unit which includes plan, practice, or program participants. In such latter cases, the payments, awards, or grants which are to be charged as wage and salary increases may be paid only to the extent consistent with such other decision and order, as provided in § 152.1(b)(2).

(c) *Pay adjustments subject to mandatory controls.*—Where a decision and order relating to executive and variable compensation affecting employees in the food, health services, or construction industry, requires that payments, awards, or grants are to be charged as wages and salaries, then such payments, awards, or grants made after January 10, 1973, together with any other wage and salary increases, shall be subject to the rules for pay adjustments in the applicable industry, as set forth in this part.

(d) *Executive control groups.*—A decision and order of the Pay Board or Council issued prior to August 29, 1973, which applies to or affects members of an executive control group (determined pursuant to § 152.130), shall remain in effect with respect to payments, awards, or grants of items of incentive compensation with respect to the plan, practice, or program year covered by such decision and order, as provided in paragraphs (a), (b) and (c) of this section. Any payments, awards, or grants lawfully made pursuant to the terms of such decision and order shall not constitute a violation of the provisions of § 152.130.

§ 152.134 Submissions to the Council.

Any prenotification, report, or application under the provisions of this subpart must be sent to Office of Wage Stabilization, P.O. Box 983, Washington, D.C. 20044.

§ 152.135 Executive and variable compensation guidance.

(a) *Scope.*—The provisions of this section are applicable to pay adjustments that are subject to self-administration under the provisions of subpart B of this part, and that do not apply to or affect a member of an executive contol group (determined pursuant to § 152.130).

(b) *Adjustments subject to standards.*—The rules contained in this subpart, and the guidance set forth in paragraph (c) of this section, relating to executive and variable compensation, should be used in determining whether payments, awards, or grants are charged as wage and salary increases which, when added to other wage and salary increases, are subject to the general wage and salary standard set forth in § 152.13.

Stock option grants under plans which meet all the requirements of § 152.126 (c)(1)(i) should not exceed the aggregate share limitation applicable to such plans, except to the extent necessary to prevent gross inequities, serious market disruptions, or localized shortages of labor. Except as provided in § 152.124 (d)(2)(ii) and § 152.125(d)(2)(iii), payments, awards, or grants of items of incentive compensation pursuant to plans operating under § 152.124 or practices operating under § 152.125 should not exceed the allowable amounts determined pursuant to § 152.124(d) or § 152.125(d), as applicable, except to the extent necessary to prevent gross inequities, serious market disruptions, or localized shortages of labor.

(c) *Guidance for replacement, modified, and new executive and variable compensation plans.* (1) *General.*—The guidance set forth in this paragraph should be used by employers subject to self-administration with respect to the implementation after January 10, 1973, of replacement, modified, or new executive and variable compensation plans, practices, or programs of the types covered in this subpart. For employers subject to voluntary controls, such implementation does not require prior approval. This paragraph provides the principles, policies, and conditions that have been used by the Pay Board and Council in their consideration of such plans, practices, or programs submitted for approval during Phase II and Phase III of the Economic Stabilization Program.

(2) *Replacement incentive compensation plans or practices.*—When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) replacing such a plan or practice which has lapsed or terminated on account of the operation of time, the new plan or practice is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan or practice is not an increase over the aggregate amount which would have been granted under the replaced plan or practice had it not terminated. If the amount of compensation is increased over that attributable to the replaced plan or practice, the amount in excess should be treated as an increase in wages and salaries.

(3) *Modified or revised incentive compensation plans or practices.*—When an employer modifies or revises an incentive compensation plan or practice (other than a stock option plan), the modification or revision is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan or practice is not an increase over the aggregate amount attributable to the plan or practice had it not been modified or revised. If the amount of compensation is increased over that attributable to the plan or practice prior to modification or revision, the amount in excess should be treated as an increase in wages and salaries.

(4) *New incentive compensation plans or practices.*—When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) which is neither a replacement nor modification or revision of an existing plan or practice, the amount granted with respect to the first 12 months of the operation of the plan or practice should be treated as an increase in wages and salaries. The amount so granted with respect to the first 12-month period should (within the meaning of §§ 152.124 (c)(4) and 152.125(c)(4)) become the "base year amount" for such plan or practice in computing the "allowable amount" with respect to future plan years. Payments in subsequent plan years that exceed the "allowable amount" should also be considered an increase in wages and salaries.

(5) *Special rules for certain incentive compensation plans and practices.*—For purposes, paragraph (c)(4) of this section, the amount of certain types of awards should be determined as follows—

(i) *For performance share awards.*—In an amount equal to the fair market value of the stock at the time of the award assuming attainment of at least 75 percent of the performance goal allocated over the performance period.

(ii) *For phantom stock awards.*—In an amount equal to 25 percent of the fair market value of an equivalent number of actual shares of the employer at the time of the award.

(6) *Replacement stock option plans.*—If an employer subject to voluntary compliance adopts a new stock option plan which meets all the requirements of § 152.126(c)(1)(i), and the new plan replaces a stock option plan which had met those requirements but which had lapsed—

(i) On account of the operation of time, or

(ii) Because all of the authorized shares had been the subject of option grants, or

(iii) Because the authorized shares available for award were insufficient to grant options covering the applicable aggregate share limitation; then

for purposes of determining the aggregate share limitation applicable to the new plan, the new plan and the replaced plan should be treated as a single plan. If such an employer adopts a new stock option plan described in § 152.131, which replaces a prior plan that has lapsed or terminated, then the increases in wages and salaries attributable to grants and exercises of stock options under the replacement plan should be considered pursuant to the operation of an incentive compensation plan under § 152.124.

(7) *Modified or revised stock option plans.*—If an employer modifies or revises a stock option plan which meets all the requirements of § 152.126(c)(1)(i), the aggregate shares to be granted under the modified or revised plan should not exceed the aggregate shares which would have been granted under the plan had it not been modified or revised. If such an employer modifies or revises a stock option plan described in § 152.131, any increase in wages and salaries attributable to awards under such plan should be considered pursuant to the operation of an incentive compensation plan under § 152.124.

(8) *New stock option plans.*—If an employer adopts a new stock option plan which is neither a replacement nor a modification or revision and which meets all the requirements of § 152.126(c)(1)(i), the aggregate share limitation for the first fiscal year of operation should be 25 percent of the number of shares authorized for stock options at the time the plan was adopted. The aggregate share limitation for subsequent fiscal years should be determined in accordance with the provisions of § 152.126(d)(2)(ii). If such an employer adopts a new stock option plan described in § 152.131, the increase in wages and salaries attributable to the options granted or exercised under the new plan should be considered pursuant to the operation of an incentive compensation plan under § 152.124.

(9) *Replacement sales or commission plans or practices and certain incentive programs.*—When an employer adopts a new sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of this title) replacing such a plan, practice, or program, the payments under the new plan, practice, or program are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan, practice, or program (using the new formula or method for determining payments) is not an increase over that which would have been granted (using the old formula or method for determining payment) under the plan, practice, or program had it not been terminated. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the replaced plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 152.127, and should be included in the respective units' base compensation for subsequent control years.

(10) *Modified or revised sales or commission plans or practices and certain incentive programs.*—When an employer modifies or revises a sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of this title), the payments under the modification or revision are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan, practice, or program (using the modified formula or method for determining payments) is not an increase over that which would have been granted (using the old formula or method for determining payments) under the plan, practice, or program

had it not been modified or revised. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the modified or revised plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 152.127, and should be included in the respective units' base compensation for subsequent control years.

(11) *New sales or commission plans or practices and certain incentive programs.*—When an employer adopts a new sales or commission plan or practice or production incentive program (other than a program described in § 201.61 of this title), which is neither a replacement, nor modification or revision, of an existing plan, practice or program, the amount granted with respect to the new plan, practice, or program should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 152.127, and should be included in the respective units' base compensation for subsequent control years.

federal register

FRIDAY, AUGUST 31, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 169

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

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 rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decision No. AQ-21 for the States of Kansas, Missouri, and Nebraska restively.

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);

Arkansas:	
AP-701	Feb. 9, 1973
AQ-2	July 13, 1973
California:	
AQ-1007; AQ-1008	Aug. 3, 1973
Florida:	
AP-198; AP-1101; AP-1104	June 8, 1973
Connecticut:	
AP-848; AP-849; AP-850; AP-851; AP-852; AP-853; AP-854; AP-855	June 29, 1973
Iowa:	
AQ-11	Aug. 11, 1973
Kentucky:	
AP-170; AP-171	Mar. 23, 1973
AP-188	Apr. 20, 1973
AP-189	May 18, 1973
AP-194	May 25, 1973
Louisiana:	
AP-736	June 1, 1973
AQ-4 AQ-5; AQ-6	July 20, 1973
AQ-8	July 27, 1973
Massachusetts:	
AP-813	May 11, 1973
Montana:	
AP-913; AP-914; AP-917	June 29, 1973
Nebraska:	
AP-525	Apr. 13, 1973
AP-526	Apr. 30, 1973
New Hampshire:	
AP-420	Mar. 23, 1973
AP-806	May 11, 1973
Texas:	
AP-722; AP-725; AP-729	Apr. 27, 1973
Virginia:	
AP-833	May 25, 1973

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):

California:	
AP-287 (AQ-1015)	Apr. 6, 1973
AP-905 (AQ-1016)	May 18, 1973
Massachusetts:	
AP-811 (AQ-3002); AP-812 (AQ-3003); AP-814 (AQ-3004); AP-815 (AQ-3006); AP-816 (AQ-3007)	May 11, 1973
AQ-2003 (AQ-3005)	Aug. 3, 1973
Montana:	
AP-910 (AQ-1018)	June 22, 1973
AP-915 (AQ-1020); AP-916 (AQ-1019)	June 29, 1973
New Hampshire:	
AP-498 (AQ-3001)	Apr. 6, 1973
Oklahoma:	
AP-364 (AQ-23)	Dec. 8, 1972
AP-731 (AQ-22)	May 11, 1973
Rhode Island:	
AP-483 (AQ-2006)	Mar. 23, 1973
Utah:	
AP-254 (AQ-1017)	Dec. 8, 1972

Signed at Washington, D.C., this 24th day of August 1973.

WARREN D. LANDIS,
Assistant Administrator
Wage and Hour Division.

NEW DECISION

STATE: Kansas, Missouri and Nebraska

COUNTIES: Atchison, Doniphan, Leavenworth, and Wyandotte Counties, Kansas; Andrew, Atchison, Boone, Buchanan, Callaway, Carroll, Chariton, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Moniteau, Montgomery, Osage, Platte, Ray, Saline, St. Charles, St. Louis and Warren Counties, Missouri; Nemaha and Richardson Counties, Nebraska

DECISION NO.: AQ-21

DATE: Date of Publication

DESCRIPTION OF WORK: Dredging Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Doniphan, Leavenworth and Wyandotte Counties, Kansas; Andrew, Atchison, Buchanan, Carroll, Chariton, Clay, Cooper, Holt, Howard, Jackson, Lafayette, Platte, Ray and Saline Counties, Missouri; Nemaha and Richardson Counties, Nebraska:						
Dredging Construction						
Leverman, Engineer, Mechanic and Boatman	$8.11	.40	.40		.05	
Oiler	6.76	.40	.40		.05	
Deckhand	5.825	.40	.40	.50	.10	
Boone, Callaway, Cole, Franklin, Gasconade, Moniteau, Montgomery, Osage, St. Charles, St. Louis and Warren Counties, Missouri:						
Dredging Construction						
Leverman, Engineer, Mechanic and Boatman	8.19	.35	.40		.02	
Oiler	6.84	.35	.40		.02	
Deckhand	5.825	.40	.40	.50	.10	

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-701 - Mod. #1 (38 FR 4087 - February 9, 1973) Statewide, Arkansas						
Change: Description of work to read "Construction, Alteration, and/or repair of streets, highways, runways, and water and sewer utilities."						
DECISION #AQ-2 - Mod. #1 (38 FR 18830 - July 13, 1973) Union County, Arkansas						
Change:						
Plumbers - Pipefitters	$7.82		.30		.05	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1,007 - Mod. #1 (38 FR 21,038 - August 3, 1973) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Benardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Cement Masons	$6.36	.90	1.20	.80	.0325	
Cement floating and Troweling machine operators	6.61	.90	1.20	.80	.0325	
Electricians:						
Riverside County						
Electricians	8.92	.60	1%+.40		.02	
Cable splicers	9.22	.60	1%+.40		.02	
Inyo, Mono and San Bernardino Cos.						
Electricians	8.97	.40	1%+.75		.02	
Cable splicers	9.27	.40	1%+.75		.02	
Santa Barbara County (Vandenberg AFB)						
Electricians	10.10	.65	1%+.85		.05	
Cable splicers	11.10	.65	1%+.85		.05	
Remainder of County						
Electricians	8.85	.65	1%+.85		.05	
Cable splicers	9.85	.65	1%+.85		.05	
Ventura County						
Electricians	9.43	.60	1%+.45			
Cable splicers	10.37	.60	1%+.45			
Line Construction:						
Riverside County						
Groundmen	6.83	.60	1%+.40		.02	
Linemen; Line equipment operators	8.93	.60	1%+.40		.02	
Cable splicers	9.23	.60	1%+.40		.07	
Ventura County						
Groundmen	8.35	.60	1%+.45			
Linemen	9.43	.60	1%+.45			
Cable splicers	10.37	.60	1%+.45			
Plasterers:						
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07	
Add:						
Los Angeles County						
Electricians (Sound Technicians):						
Sound Technicians (on building construction)	9.50	.50	1%			
Sound Technicians (on modification of existing building and structures)	7.66	.50	1%			

DECISION #AQ-1,007 (cont'd)

Change:

MODIFICATIONS P. 3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAREHOUSEMAN and Teamster	$6.42	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.50	.75	.65	1.00		
TRUCK MOUNTED power broom	6.56	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 3 axles; Water truck, 2 axles	6.65	.75	.65	1.00		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.68	.75	.65	1.00		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.74	.75	.65	1.00		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.75	.75	.65	1.00		
TRUCK GREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.83	.75	.65	1.00		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. and over	6.88	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.90	.75	.65	1.00		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.20	.75	.65	1.00		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.45	.75	.65	1.00		
TRUCK REPAIRMAN - Welder	7.55	.75	.65	1.00		

MODIFICATIONS P. 4

DECISION #AQ-1,008 - Mod. #1 (38 FR 21,047 - August 3, 1973) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura, California	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Cement masons	$6.36	.90	1.20	.80	.0325	
Cement floating and Troweling machine operators	6.61	.90	1.20	.80	.0325	
Electricians:						
Riverside County						
Electricians	8.92	.60	1%+.40		.02	
Cable splicers	9.22	.60	1%+.40		.02	
San Bernardino County						
Electricians	8.97	.40	1%+.75		.02	
Cable splicers	9.27	.40	1%+.75		.02	
Santa Barbara County (Vandenberg AFB)						
Electricians	10.10	.65	1%+.85		.05	
Cable splicers	11.10	.65	1%+.85		.05	
Remainder of County						
Electricians	8.85	.65	1%+.85		.05	
Cable splicers	9.85	.65	1%+.85		.05	
Ventura County						
Electricians	9.43	.60	1%+.45			
Cable splicers	10.37	.60	1%+.45			
Plasterers:						
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07	

DECISION #AO-1,008 (cont'd) MODIFICATIONS P. 5

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WAREHOUSEMAN and Teamster	$6.42	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.50	.75	.65	1.00		
TRUCK MOUNTED power broom	6.56	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 3 axles; Water truck, 2 axles	6.65	.75	.65	1.00		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.68	.75	.65	1.00		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.74	.75	.65	1.00		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.75	.75	.65	1.00		
TRUCK GREASER AND TIREMEN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used	6.83	.75	.65	1.00		
TRANSIT-MIX, 3 yds. or more; Dump-crete, 6½ yds. and over	6.88	.75	.65	1.00		
DRIVERS OR VEHICLES or combination of vehicles of 4 or more axles	6.90	.75	.65	1.00		
A-FRAME OR SWEDISH CRANE, or similar type of equipment; Fork lift; Ross carrier (Hwy)	7.20	.75	.65	1.00		
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman	7.45	.75	.65	1.00		
TRUCK REAPIRMAN - Welder	7.55	.75	.65	1.00		

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-198 - Mod. #2 (38 FR 15233 - June 8, 1973) Dade County, Florida						
Change:						
Bricklayers:						
Bricklayers	$8.60	.40	.39			
Stonemasons	8.60	.40	.39			
Marble Masons	8.60	.40	.39			
Terrazzo	8.60	.40	.39			
Tile Setters	8.60	.40	.39			
Plasterers	8.60	.40	.39			
Cement Masons	8.60	.40	.39			
DECISION #AP-1101 - Mod. #2 (38 FR 15239 - June 8, 1973) Hillsborough County, Florida						
Change:						
Painters:						
Brush & roller	6.45	.25	.20		.06	
Swing stage & window jacks, spray & sandblasting	6.70	.25	.20		.06	
Dry wall tapers	7.30	.25	.20		.06	
Structural steel, bridge & Ind.:						
Brush, roller, swing, stage bos'n chair	7.05	.25	.20		.06	
Spray & Sandblasting	7.30	.25	.20		.06	
Paperhangers	6.95	.25	.20		.06	
Roofers	6.15	.25	.15			
Roofers' helpers	3.30	.25	.15			
Roofers, Kettlemen	4.20	.25	.15			

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1104 - Mod. #1 (38 FR 15245 - June 8, 1973) Pinellas County, Florida						
Change:						
Carpenters:						
Carpenters	$6.865	.30	.20	.10	.02	
Piledrivermen	7.115	.30	.20	.10	.02	
Soft floor layers	6.865	.30	.20	.10	.02	
Millwrights	7.31	.45	.45		.04	
Electricians:						
Electricians	8.15	.25	1%		3/4of 1%	
Cable splicers	8.65	.25	1%		3/4of 1%	
Painters:						
Brush & roller	6.45	.25	.20		.06	
Swing stage & window jacks, spray & sandblasting	6.70	.25	.20		.06	
Dry wall tapers	7.30	.25	.20		.06	
Structural steel, bridge & Ind.:						
Brush, roller, swing, stage bos'n chair	7.05	.25	.20		.06	
Spray & sandblasting	7.30	.25	.20		.06	
Paperhangers	6.95	.25	.20		.06	
Roofers	6.15					
Roofers' helpers	3.30					
Roofers' kettlemen	4.20					

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-848 - Mod. #1 (38 FR-17359 - June 29, 1973) Fairfield County, Connecticut						
Change						
Building, Heavy and Highway Construction:						
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only); Norwalk, New Canaan, Westport, Weston, Wilton & Ridgefield	$8.65	.50	.50			
Carpenters, soft floor layers (Building Only): Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Westport, Weston	8.85	.50	.30	f		
Plumbers, Steamfitters: Greenwich	9.25	.30	.50		.01	
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Footnote: K.						
DECISION #AP-849 - Mod. #1 (38 FR-17363 - June 29, 1973) Hartford County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Bricklayers, cement masons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building Only): Berlin-Kensington-New Britain-Newington-Plantsville-Southington	8.70	.40	.25			
Carpenters, soft floor layers, piledrivermen (Building Only): Southington	8.85	.50	.30	g	.03	
Glaziers: Outside	8.71	.52	.47			
Plumbers: Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	9.45	.55	.50	i		
Roofers: Composition	8.20	.425	.50	.30		

MODIFICATIONS P. 9

DECISION #AP-849 - Mod. #1 (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Slate, Tile precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers Helpers-Class A	7.325	.425	.35	.30		
Roofers Helpers-Class B	3.60	.425	.35	.30		
DECISION #AP-850 - Mod. #1						
(38 FR-17367 - June 29, 1973)						
Litchfield County, Connecticut						
CHANGE:						
Building, Heavy and Highway Construction:						
Carpenters, soft floor layers, piledrivermen (Building Only):						
Northfield, Thomaston, Watertown Morris	8.85	.50	.30	g	.03	
Plumbers:						
Canaan-Torrington	7.94	.55	.50	j		
Roofers:						
Remainder of County:						
Composition	8.20	.425	.50	.30		
Slate and tile	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers helpers-Class A	7.325	.425	.35	.30		
Roofers helpers-Class B	3.60	.425	.35	.30		
DECISION #AP-851 - Mod. #1						
(38 FR-17371 - June 29, 1973)						
Middlesex County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Glaziers (Outside)	8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers Helpers-Class A	7.325	.425	.35	.30		
Roofers Helpers-Class B	3.60	.425	.35	.30		

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-852 - Mod. #1						
(38 FR-17375 - June 29, 1973)						
New Haven County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Bricklayers, cement masons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building Only):						
Ansonia-Derby	$8.62	.50	.50	n		
Meriden	8.70	.40	.25			
Remainder of County	8.95	.35+.15	.50			
Carpenters, soft floor layers, piledrivermen (Building Only).						
Milford and that part of Orange from Orange Center Road to Milford and the Oyster River	8.85	.50	.30	f		
Cheshire-Middlebury-Prospect-Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck-Bethany	8.85	.50	.30	g	.03	
Remainder of County	8.80	.50	.30			
Glaziers (Wallingford)	8.71	.52	.47			
Roofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott:						
Composition	8.20	.425	.50	.30		
Slate and tile	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers:						
Composition, Helpers, Class A	7.325	.425	.35	.30		
Composition, Helpers, Class B	3.60	.425	.35	.30		
DECISION #AP-853 - Mod. #1						
(38 FR-17379 - June 29, 1973)						
New London County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Glaziers (Outside)	8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile,precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-853 - Mod. #1 (cont'd)						
OMIT:						
Roofers:						
Composition, helpers, Class A	7.325	.425	.35	.30		
Composition, helpers, Class B	3.60	.425	.35	.30		
DECISION #AP-854 - Mod. #1 (38 FR-17383 - June 29, 1973) Tolland County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Glaziers (Outside)	$8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60		.05	
OMIT:						
Roofers:						
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		
DECISION #AP-855 - Mod. #1 (38 FR-17386 - June 29, 1973) Windham County, Connecticut						
Change:						
Building, Heavy and Highway Construction						
Glaziers (Outside)	8.71	.52	.47			
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, tile, precast concrete	8.70	.425	.50	.30		
Sprinkler fitters	9.08	.40	.60	.05		
OMIT:						
Roofers:						
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-11 - Mod. #2 (38 FR 21055 - August 3, 1973) Woodbury County (City of Sioux City and abutting municipalities), Iowa						
Change:						
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.						
A new wage rate survey of heavy and highway construction projects will be completed in the immediate future. As soon as the survey is completed a new general determination reflecting the results will be published. In the interim, wage determinations for this type of construction will be handled on a project decision basis. See Regulations Part 1 (29 CFR) Section 1.5.						

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-170 - Mod. #4 (38 FR 7735 - March 23, 1973) Boyd County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-171 - Mod. #3 (38 FR 7738 - March 23, 1973) Jefferson County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-188 - Mod. #4 (38 FR 9935 - April 20, 1973) McCracken County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			
DECISION #AP-189 - Mod. #2 (38 FR 13248 - May 18, 1973) Warren County, Kentucky						
Change:						
Power Equipment Operators:						
Class A	$7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-194 - Mod. #2 (38 FR 13926 - May 25, 1973) Fayette County, Kentucky						
Change:						
Lathers	$6.99		.10			
Line Construction:						
Linemen and equipment operators	9.80	.20	1%		¼ of 1%	
Groundmen truck driver	7.84	.20	1%		¼ of 1%	
Groundmen truck driver with winch or pole steel handling	8.33	.20	1%		¼ of 1%	
Power Equipment Operators:						
Class A	7.75	.25	.25			
Class B	6.11	.25	.25			
Class C	5.67	.25	.25			

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-736 - Mod. #4						
(38 FR 14609 - June 1, 1973)						
Rapides Parish, Louisiana						
Change:						
Carpenters:						
Millwrights	$6.65					
Carpenters	5.90					
Piledrivermen	6.40					
DECISION #AQ-4 - Mod. #1						
(38 FR 19645 - July 20, 1973)						
Calcasieu Parish, Louisiana						
Change:						
Laborers:						
Laborers	4.94	.15	.10			
Air tool operator (except jackhammer)	5.04	.15	.10			
Mason tenders	4.94	.15	.10			
Mortar mixers & jackhammer operators	5.09	.15	.10			
Pipelayers (concrete & clay)	5.19	.15	.10			
Plasterers' tenders	4.94	.15	.10			
Roofers	6.52		.10			
Roofers' helpers	5.09		.10			
DECISION #AQ-5 - Mod. #1						
(38 FR 19647 - July 20, 1973)						
Caddo & Bossier Parishes, Louisiana						
Change:						
Bricklayers	7.25	.20	.20			
Stonemasons	7.25	.20	.20			
DECISION #AQ-6 - Mod. #1						
(38 FR 19649 - July 20, 1973)						
Caddo & Bossier Parishes, Louisiana						
Change:						
Bricklayers	7.25	.20	.20			
Stonemasons	7.25	.20	.20			

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-8 - Mod. #3						
(38 FR 20204 - July 27, 1973)						
Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Bricklayers-Stonemasons:						
Iberia, Lafayette, St. Martin & St. Mary Parishes	$7.65					
Carpenters:						
Carpenters:						
Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes	6.30					
Millwrights:						
Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes	7.025					
Electricians:						
Electricians:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes	8.18	.30	1%+.20		.03	

DECISION #AQ-8 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians (Cont'd):						
Cable splicers:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes	$8.18	.30	1%+.20		.03	
Laborers:						
Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes:						
Building and general laborer; tenders (carpenter, plasterer, cement finisher, mason); tank and vessel cleaners	4.94	.15	.10			
Air tool operators (except jackhammer); interior of closed tanks and vessels power equipment	5.04	.15	.10			
Mortar mixers and jackhammer operators	5.09	.15	.10			
Blasterers	5.85	.15	.10			
Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker	5.44	.15	.10			
Wiping joints, laying pipe and tile from pumpcrete	5.19	.15	.10			
Interior of closed tanks and vessels manually	4.99	.15	.10			
All of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption (See Footnote "g"), St. James (See Footnote "g"), St. John the Baptist (See Footnote "g") & Tangipahoa (See Footnote "h") Parishes:						
Building and general laborers, carpenter tenders	4.58	.10	.10			

DECISION #AQ-8 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Cont'd):						
All of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption (See Footnote "g"), St. James (See Footnote "g"), St. John the Baptist (See Footnote "g") & Tangipahoa (See Footnote "h") Parishes:						
Power tool operators (hammer men, tamper men, vibrator, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)	4.68	.10	.10			
Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)	4.73	.10	.10			
Marble setters:						
Iberia, Lafayette, St. Martin & St. Mary Parishes	7.65					
Plumbers-Pipefitters:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes	7.55	.415	.525		.035	
Roofers:						
Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis & Vermilion Parishes:						
Roofers	6.52		.10			
Roofers' helpers	5.09		.10			

MODIFICATIONS P. 19

DECISION #AQ-8 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers (Cont'd):						
Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes:						
Roofers	$5.845	.35	.25		.04	
Roofers' helpers	4.34	.35	.25		.04	
Line Construction:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes:						
Linemen	8.18	.30	1%+.20		.03	
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.20		.03	
Operator using hole truck and trailer, or pole hauling and setting truck (not in energized lines)	65%JR	.30	1%+.20		.03	
Operator using truck without winch	45%JR	.30	1%+.20		.03	
Groundmen (1½ years service or over)	50%JR	.30	1%+.20		.03	
Groundmen (Starting rate to 1½ years service)	45%JR	.30	1%+.20		.03	

MODIFICATIONS P. 20

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-813 - Mod. #3 (38 FR 12546 - May 11, 1973) Hampden County, Massachusetts						
Change:						
Sprinkler fitters	$9.08	.40	.60		.05	
Steamfitters	8.55	.45	.45	8		
DECISION #AP-913 - Mod. #1 (38 FR 17392 - June 29, 1973) Flathead, Lake, Lincoln, and Missoula Counties, Montana						
Change:						
Cement Masons:						
Lake (Northern area) and Remaining Counties	$6.15	.20				
Laborers						
Flathead, Lake (northern area) and Lincoln Counties:						
Laborers	$5.405	.37	.27			
Nozzlemen (air and water); Sandblast tail hoseman; Powderman helper; Powerdriven wheelbarrow; Rodder and spreader; Form setters (paving); Bucketman	5.555	.37	.27			
Small air tool operator incl. blow pipes, small power tools; Chuck tenders; Asphalt rakers; Dumpman; Rip rapping; Pipe wrapper; Pot tender	5.585	.37	.27			
Jackhammer; Pavement breaker; Vibrator; Mechanical tamper and other air tools; Cement handlers (sack or bulk)	5.64	.37	.27			
Lake (southern area) and Missoula Counties:						
Laborers	5.455	.37	.27		.03	
All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators	5.705	.37	.27		.03	
Cement masons and plaster tenders; Mason tenders; Pumpcrete, gunnite and plaster pump	5.855	.37	.27		.03	

MODIFICATIONS P. 21

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-914 - Mod. #4 (38 FR 17396 - June 29, 1973) Statewide, Montana						
Change:						
Cement Masons (Eastern Counties):						
Cement masons	$5.99	.35	.25			
Grinder, bush hammer and chipping gun preparing finish surface; Epoxy	6.14	.35	.25			
Cement Masons (Western Counties):						
Cement masons	6.24	.35	.25			
Grinder, bush hammer and chipping gun preparing finished surface; Epoxy	6.39	.35	.25			
DECISION #AP-917 - Mod. #2 (38 FR 17415 - June 29, 1973) Big Horn, Custer, Dawson, Richland, Roosevelt, Rosebud and Yellowstone Counties, Montana						
Change:						
Custer and Dawson Counties						
General laborers	$5.24	.37	.27		.03	
Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operators; Pipewrappers	5.46	.37	.27		.03	
Mason and plaster tenders	5.74	.37	.27		.03	
Big Horn, Rosebud and Yellowstone Cos.						
General laborers; Concrete laborers; Chuck tenders and nippers	5.39	.37	.27		.03	
Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipewrapper; Primer-houseman	5.16	.37	.27		.03	
Mason and plaster tenders	5.64	.37	.27		.03	
Richland and Roosevelt Counties						
Laborers	5.17	.37	.27		.03	
Air tool operator (jackhammer, vibrator)	5.42	.37	.27		.03	
Brick tenders	5.57	.37	.27		.03	
Mortar mixers	5.67	.37	.27		.03	
Pipelayers (concrete and clay)	5.42	.37	.27		.03	
Plasterers' tenders	5.67	.37	.27		.03	
Sheet Metal Workers	7.05	.32	.20		.02	

MODIFICATIONS P. 22

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-525 - Mod. #4 (38 FR 9413 - April 13, 1973) Statewide, Nebraska (except Douglas and Sarpy Counties)						
Change:						
Description of work to read "Construction, alteration and repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities." Cass, Washington and that portion of Saunders County, East of Highway 109						
Cement Finishers	$7.03	.25	.25			
DECISION #AP-526 - Mod. #6 (38 FR 9937 - April 30, 1973) Douglas and Sarpy Counties, Nebraska						
Change:						
Heavy and Highway Construction:						
Cement Finishers	7.03	.25	.25			
DECISION #AP-420 - Mod. #3 (38 FR-7689 - March 23, 1973) Hillsboro County, New Hampshire						
Change:						
Building Construction:						
Glaziers	6.57	.25	.36		.02	
Laborers, Building:						
Common laborers, wreckers, tenders and hod carriers, asphalt rakers	5.41	.40	.35		.05	
Plasterers' tenders	5.56	.40	.35		.05	
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	5.81	.40	.35		.05	
All other pneumatic tool operators on boiler and stack work	6.31	.40	.35		.05	
Boiler and stack work	5.91	.40	.35		.05	
Line Construction:						
Linemen	6.68	.25	1%	d		
Equipment operator	6.54	.25	1%	d		
Groundman	4.45	.25	1%	d		
Driver groundman	4.64	.25	1%	d		

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-806 - Mod. #2 (38 FR-12503 - May 11, 1973) Rockingham County, New Hampshire						
Change:						
Building Construction:						
Glaziers	6.57	.25	.36		.02	
Laborers: Building						
Auburn, Candia, Chester, Danville, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping, Windham and Deerfield:						
Common laborers, wreckers, tenders and hod carriers, asphalt rakers	5.41	.40	.35		.05	
Plasterers tenders	5.56	.40	.35		.05	
Drillers, pavement breakers, jackhammer ops., and chipping gun ops.	5.81	.40	.35		.05	
All other pneumatic tool operators on boiler and stack work	6.31	.40	.35		.05	
Boiler and stack work	5.91	.40	.35		.05	
Salem, Rockingham Park, Building and Demolition	6.80	.40	.40		.05	
Remainder of County:						
Building						
Laborers and pipelayers	5.41	.40	.35		.05	
Pneumatic tool operator, drillers pavement breakers	5.81	.40	.35		.05	
Blasters and powdermen	5.91	.40	.35		.05	
Plasterers' tenders	5.56	.40	.35		.05	

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-722 - Mod. #3 (38 FR 10588 - April 27, 1973) Harris County, Texas						
Change:						
Building Construction:						
Electricians	$7.90	.25	3%		.04	
DECISION #AP-725 - Mod. #6 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Building Construction:						
Plumbers & Pipefitters:						
Zone 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	7.03	.25	.30	.35		
Zone 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	7.28	.25	.30	.35		
Zone 3 - shall apply to all areas not within Zone 1 or 2	7.53	.25	.30	.35		
DECISION #AP-729 - Mod. #4 (38 FR 10609 - April 25, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction:						
Plasterers:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.465	.35		.50	.03	

MODIFICATIONS P. 25

Decision #AP-833 - Mod. #3
(38 FR 14078 - May 25, 1973)
The Cities of Norfolk, Chesapeake,
Portsmouth and Virginia Beach, Virginia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet Metal Worker:	$6.10	.35	.20			

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: AQ-1,015

DATE: Date of Publication

Supersedes Decision No. AP-287 dated April 6, 1973, in 38 FR 8874.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	8.68	.83	.58	.70		
Alameda and Contra Costa Counties	9.25	.85	.65			
Fresno, Kings, Madera, Mariposa and Merced Counties	7.73	.42	.50			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Monterey and Santa Cruz Counties	7.71	.78	.65	.75		
San Benito and Santa Clara Counties	8.50	.85	.65	.75	.01	
Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Cos.	7.77	.33	.30	1.00		
Tulare County	7.80	.40	.40	.30	.05	
BRICK TENDERS:						
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.075	.395	1.15	.50		
Alameda and Contra Costa Counties	7.20	.50	.70		.10	
Marin County	6.60	.60	.40	.65		
Napa County	6.74	.50	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.75	.55	1.05	.70		
Stanislaus and Tuolumne Counties	5.80	.55	1.05	.70		
San Francisco and San Mateo Counties	7.45	.25	.40	.60		

AQ-1,015 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
CARPENTERS:						
Carpenters	$8.25	.60	.80	.75	.02	
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02	
Millwrights	8.65	.60	.80	.75	.02	
Piledrivermen; Bridge, Wharf and dock builders	8.38	.60	.80	.75	.02	
CEMENT MASONS:						
Cement masons	7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75		
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04	
ELECTRICIANS:						
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed						
Electricians	9.03	.41	1%+.65		.045	
Cable splicers	9.93	.41	1%+.65		.045	
Tunnel:						
Electricians	8.96	.31	1%+.55		.045	
Cable splicers	9.86	.31	1%+.55		.045	
Lake Tahoe Area:						
Electricians	9.84	.53	1%+.25		.02	
Cable splicers	10.82	.53	1%+.25		.02	
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties						
Electricians	8.64	.55	1%+.35		.005	
Cable splicers	9.50	.55	1%+.35		.005	
Tunnel:						
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005	
Cable splicers	9.90	.42	1%+.30		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	9.00	.49	1%		.01	
Cable splicers	10.13	.49	1%		.01	
Contra Costa County						
Electricians	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	

AQ-1,015 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS (cont'd)						
Del Norte and Humboldt Counties						
Electricians	$8.60	.47	1%+.35		.01	
Cable splicers	9.29	.47	1%+.35		.01	
Tunnel:						
Electricians	9.46	.47	1%+.35		.01	
Cable splicers	10.32	.47	1%+.35		.01	
Fresno, Kings, Madera and Tulare Cos.						
Electricians	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Lake, Marin, Mendocino and Sonoma Cos.						
Electricians	9.45	.40	1%+.20		.02	
Cable splicers	10.35	.40	1%+.20		.02	
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Electricians	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Electricians	10.15	.55	1%		.01	
Cable splicers	11.22	.55	1%		.01	
Napa and Solano Counties						
Electricians	8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
San Benito and Santa Clara Counties						
Electricians	9.03	.64	1%+.35		.02	
Cable splicers	10.16	.64	1%+.35		.02	
San Francisco County						
Electricians	9.67	.705	1%+.50		.04	
Cable splicers	10.88	.705	1%+.50		.04	
San Mateo County						
Electricians	9.55	.69	1%+.25		.03	
San Cruz County						
Electricians; Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba, and Merced (North of the City of Livingston) Counties	7.77	.25	.55	8%		
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield), Sonoma Counties	8.455	.35	.53	.24	.01	

AQ-1,015 P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GLAZIERS: (cont'd)						
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	$7.25	.35	.55	.61	.05	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to county line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	7.68	.43	.40		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Lake (from City of Lakeport down to county line), Marin, Mendocino and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			
LINE CONSTRUCTION:						
Alameda County						
Groundmen	6.575	.50	4%			
Linemen	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer, and Sierra Counties excluding Lake Tahoe Area						
Line Equipment Operators	6.19	.31	1%+.55		.045	
Linemen	6.88	.31	1%+.55		.045	
Cable splicers	7.57	.31	1%+.55		.045	
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area)						
Groundmen	6.59	.33	1%+.25		.01	
Line Equipment Operator	7.91	.33	1%+.25		.01	
Linemen	8.79	.33	1%+.25		.01	
Cable splicers	9.67	.33	1%+.25		.01	
Contra Costa County						
Groundmen	7.33	.60	1%+.50		.02	
Line equipment operator	8.69	.60	1%+.50		.02	
Linemen	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	

AQ-1,015 P. 5

LINE CONSTRUCTION: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Fresno, Kings, Madera & Tulare Cos.						
Line equipment operators	$8.96	.50	1%+.50		.05	
Linemen	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Mariposa, Merced, Stainslaus and Tuolumne Counties						
Linemen	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Groundmen	7.62	.55	1%		.01	
Equipment operators; Linemen	10.16	.55	1%		.01	
Cable splicers	11.23	.55	1%		.01	
Napa and Solano Counties						
Groundmen	6.69	.58	1%+.25		.02	
Line equipment operators	8.02	.58	1%+.25		.02	
Linemen	8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
Santa Cruz County						
Groundmen	8.09	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
Linemen	9.23	.20	1%		.02	
MARBLE SETTERS	8.23	.74	.51	1.03		
PAINTERS:						
Butte, Colusa, Glenn, Lassen (except extreme S.E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Brush; Roller	5.40	.35	.25	1.05		
Spray; Sandblast; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.05		
Alpine, Amador, Calaveras, and San Joaquin Counties						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper; Swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		
Fresno, Kings, Madera, Tulare Cos.						
Brush; Tapers	7.32	.40	.20			
Spray	7.57	.40	.20			
Structural steel	7.57	.40	.20			

AQ-1,015 P. 6

PAINTERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Alameda, Contra Costa, Eldorado, Lake, Marin, Mendocino, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sierra, Solano, Sonoma and Yolo Counties (Excluding portions of Counties in the Lake Tahoe Area):						
Brush	$7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Del Norte, Humboldt Counties						
Brush	6.40	.35	.20			
Paperhangers; Spray; Steel; Tapers	6.65	.35	.20			
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Brush	6.30	.35		.75	.02	
Paperhangers; Spray; Tapers	6.55	.35		.75	.02	
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural steel; Tapers	8.35	.30	.20			
PAINTERS:						
Parking Lot Striping Work and/or Highway Markers:						
Fresno, Kings and Tulare Counties						
Traffic delineating device applicator	6.27	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	5.88	.20	.20	b		
Helper, Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper	5.38	.20	.20	b		
Remaining Counties						
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.27	.35	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer, protective coating applicator)	5.77	.35	.20	b		
Striper	7.37	.35	.20	b		
Helper (Striper)	6.37	.35	.20	b		

AQ-1,015 P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Alameda and Contra Costa Counties	$8.24	.575	.45		.01	
Butte, Colusa, Glenn, Lassen (south eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Cos.	6.05	.25	.25	.50	.01	
Fresno, Kings, Madera and Tulare Cos.	7.59	.36	.50			
Monterey County	8.03	.46	.35		.01	
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.27	.48	.85	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Lassen (north western half of Lassen Co.), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	7.35	.53	.35	1.00	.01	
Mariposa, Merced, Stanislaus and Tuolumne Counties	6.30	.65	.60	1.00		
PLASTERERS' TENDERS:						
Alameda and Contra Costa Counties	7.97	.50	.80		.10	
Fresno, Kings, and Madera Counties	5.35	.55	1.05	.70		
Marin County	6.30	.60	.40	1.00		
Napa County	6.65	.55		.80		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra, and Yolo Counties	6.45	.395	1.05	.70		
San Francisco and San Mateo Counties	7.50	.25	.40	.95		
San Benito and Santa Clara Counties	7.75	.60	.55			
Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity Counties	5.75	.55	1.05	.70		
Stanislaus and Tuolumne Counties	5.95	.55	1.05	.70		
Monterey and Santa Cruz Counties	6.12	.55	1.05	.46		
PLUMBERS:						
Alameda County	9.88	.65	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters:						
Del Norte and Humboldt Counties	7.60	.48	1.06	1.00	.05	
Amador (northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer, and Sierra Counties (excluding Lake Tahoe Area)	8.98	.75	1.05		.11	
Lake Tahoe Area	7.85	.30	.60	1.55	.07	
Marin, Mendocino, San Francisco and Sonoma Counties	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
San Mateo County	8.305	.635	.95	.97	.175	
Alpine, Amador (southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties	8.39	.77	.79		.03	

AQ-1,015 P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLUMBERS; Steamfitters (cont'd)						
Lake, Napa and Solano Counties	$9.40	.60	.58		.07	
ROOFERS:						
Alameda and Contra Costa Counties						
Roofers	7.55	.48	.75	.30	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.80	.48	.75	.30	.01	
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	8.55	.48	.75	.30	.01	
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Roofers	7.54	.50	.40			
Fresno, Kings, Madera, and Tulare Cos.						
Roofers	7.95	.50	.50			
Lake, Mendocino, and Sonoma Counties						
Roofers	7.09	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	7.34	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	8.09	.50	.70	.78	.01	
Marin County						
Roofers	6.77	.45	.70	1.15	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.02	.45	.70	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	7.77	.45	.70	1.15	.01	
Monterey and Santa Cruz Counties						
Roofers	7.45	.30	.30	1.00		
San Francisco and San Mateo Counties						
Roofers	7.00	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	7.25	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.00	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers (slate, tile and composition)	6.72	.58	.50			
Enameler and pitch	7.47	.58	.50			
Santa Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	7.11	.46	.63	1.00		

AQ-1,015 P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	$7.25	.39	.505	10%c	.015	
Alpine, Calaveras, & San Joaquin Cos.	6.375	.36	.50	1.00		
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07	
Del Norte, Humboldt, & Trinity Cos.	8.18	.38	.83			
Fresno, Kings, Madera & Tulare Cos.	8.20	.48	.79		.07	
Lake, Marin, Mendocino, Napa, Sonoma, and Solano Counties	8.55	.36	.44		.15	
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara, and Santa Cruz Counties	8.10	.38	.81	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		2%	
SOFT FLOOR LAYERS:						
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.92d	.05	
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced (east of the San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area	7.455	.495	.45	1.00	.07	
Honey Lake Area and Lake Tahoe Area	8.35	.30	.20			
Fresno, Kings, Madera, Tulare Cos.	8.80	.20				
Lake, Marin, Mendocino, San Francisco, San Mateo, and Sonoma Counties	7.60	.50	.55	e	.04	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties	10.71	.30	.50		.02	
SPRINKLER FITTERS:						
Remaining Counties	11.30	.30	.50		.05	
STEAMFITTERS:						
Alameda and Contra Costa Counties	9.415	.30	.65		.005	

AQ-1,015 P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Cos.	$7.89	.83	.58	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Fresno, Kings, Madera and Tulare Cos.	7.12	.30				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma, Trinity, Counties	7.65	.62	.70	.80	.015	
Alpine, Amador, Calaveras, San Joaquin Counties	7.17	.33		.65		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015	
Fresno, Kings, Madera and Tulare Cos.	7.12	.30				
Monterey and Santa Cruz Counties	8.27	.665	.64			

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation in 1st year's service, $.20 per hour after 1 year's service but less than 5 years' service, $.30 per hour after 5 years' service but less than 10 years' service, and $.40 per hour after 10 years' service.

c. Four paid holidays: C, D, E, and Washington's Birthday.

d. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

e. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

AQ-1,015 P. 11

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
BRIDGE; Brush loaders and piler; Cleanup; Dumpman; General; Landscape; Limbers; Tool room attendant	$ 5.535	.65	1.35	.80	.10	
ASPHALT SHOVELERS; Cement dumper; Chipper; Choker setter and rigger; Chucktender; Concrete; Guinea chaser; High pressure nozzleman; Hydraulic monitor; Nipper; Pneumatic, gas and electric tool operator (not otherwise classified); Sloper; Loading, unloading, handling materials for reinforcing concrete construction	5.635	.65	1.35	.80	.10	
ASPHALT IRONERS AND RAKERS; Bucker; Buggymobile; Chainsaw; Compactors; Concrete saw and pan work; Cribber and/or shoring; Curb setter; Form raiser; Faller; Headerboard man; Post hole digger (air, gas, or electric); Jackhammer; Kettlemen; Log loader; Magnesite and mastic workers; Pavement breaker; Pipelayers; Pipewrappers; Power broom sweeper; Riprap stonepaver and rock-slinger; Rotary scarifier; Roto-tiller; Sandblaster; Barko, wackers and similar type tampers; Tank cleaners; Tree climber; Vibrator; Vibra-screed bull float	5.785	.65	1.35	.80	.10	
BURNING AND WELDING	5.835	.65	1.35	.80	.10	
BLASTERS; Drills (diamond or wagon); High scaler; Powderman; Tree topper	6.01	.65	1.35	.80	.10	
LABORERS on general construction work on or in bell hole footings and shaft	6.335	.65	1.35	.80	.10	
GUNITE LABORERS:						
NOZZLEMEN; Rodmen; Gunmen; Groundmen	6.245	.65	1.35	.80	.10	
REBOUNDMEN	5.655	.65	1.35	.80	.10	
CONTRA COSTA COUNTY ONLY: PIPELAYERS, Caulkers, Banders	5.985	.65	1.35	.80	.10	

AQ-1,015 P. 12

TUNNEL LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Diamond Driller; Groundman; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work & Raise (below actual or excavated ground level)	$6.565	.55	1.05	.70	.06
Bit Grinder; Blaster, Drillers, Powdermen-Heading; Cherry Pickermen-where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman & Potman; Gunite & Shotcrete Gunmen & Potmen; Headermen; High Pressure Nozzleman; Miners-Tunnel, including top & bottom man on shaft & raise work; Nipper Nozzleman on slick line; Sandblaster-Potman (work assignment interchangeable) Steel Form Raisers & Setters; Timberman, Retimberman-Wood or Steel or substitute materials therefore; Tugger	6.315	.55	1.05	.70	.06
Cabletender; Chucktender; Powderman-Primer House; Vibratormen, Pavement Breakers	6.165	.55	1.05	.70	.06
Bull Gang-Muckers, Trackmen; Concrete Crew-Includes rodding & Spreading; Dumpmen (Any method); Grout Crew; Reboundmen; Swamper	6.065	.55	1.05	.70	.06
Compressed Air Operations:					
1 lb. - 14 lbs., 6 hrs. work	60.13	.55	1.05	.70	.06
Over 14 lbs. - 18 lbs., 6 hrs. work	63.24	.55	1.05	.70	.06
Over 18 lbs. - 22 lbs., 4 hrs. work	63.18	.55	1.05	.70	.06
Over 22 lbs. - 26 lbs., 4 hrs. work	68.07	.55	1.05	.70	.06
Over 26 lbs. - 32 lbs., 4 hrs. work	70.83	.55	1.05	.70	.06
Over 32 lbs. - 38 lbs., 3 hrs. work	73.93	.55	1.05	.70	.06
Over 38 lbs. - 44 lbs., 2 hrs. work	75.43	.55	1.05	.70	.06
Outside lock and guage tender per 6 hour shift	52.69	.55	1.05	.70	.06

AQ-1,015 P. 13

POWER EQUIPMENT OPERATORS		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP I						
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar pot fireman); Partsman (Heavy duty repair shop parts room)	AREA 1	$6.63	.80	1.00	.60	.24
	AREA 2	7.76	.80	1.00	.60	.24
GROUP II						
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; Hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated)	AREA 1	6.91	.80	1.00	.60	.24
	AREA 2	8.04	.80	1.00	.60	.24
GROUP III						
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier(construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum	AREA 1	7.08	.80	1.00	.60	.24
	AREA 2	8.21	.80	1.00	.60	.24
GROUP IV						
BALLAST JACK TAMPER; Ballast regulator; ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer Towermobile	AREA 1	7.53	.80	1.00	.60	.24
	AREA 2	8.66	.80	1.00	.60	.24
GROUP V						
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7)	AREA 1	7.70	.80	1.00	.60	.24
	AREA 2	8.83	.80	1.00	.60	.24

AQ-1,015 P. 14

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI							
BLE LIMA ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractors; Surface heater	AREA 1	7.81	.80	1.00	.60	.24	
	AREA 2	8.94	.80	1.00	.60	.24	

AQ-1,015 P. 15

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP VII						
CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	AREA 1	7.94	.80	1.00	.60	.24
	AREA 2	9.07	.80	1.00	.60	.24
GROUP VIII						
ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment)	AREA 1	8.26	.80	1.00	.60	.24
	AREA 2	9.39	.80	1.00	.60	.24

AQ-1,015 P. 16

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	AREA 1	8.44	.80	1.00	.60	.24
	AREA 2	9.57	.80	1.00	.60	.24
GROUP X						
BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more loader & Adams elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills) Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill combination; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	AREA 1	8.60	.80	1.00	.60	.24
	AREA 2	9.73	.80	1.00	.60	.24

AO-1,015 P. 17

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP X - A						
BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Grade all (up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	AREA 1	8.69	.80	1.00	.60	.24
	AREA 2	9.82	.80	1.00	.60	.24
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete to asphalt); Tandem cats; Tower cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu yds. per hour); Whirley cranes (over 25 tons)	AREA 1	8.83	.80	1.00	.60	.24
	AREA 2	9.96	.80	1.00	.60	.24

AO-1,015 P. 18

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP XI - A						
LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band wagons (in conjunction with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons)	AREA 1	9.70	.80	1.00	.60	.24
	AREA 2	10.83	.80	1.00	.60	.24
GROUP XI - B						
LOADER (over 18 cu. yds.)	AREA 1	9.92	.80	1.00	.60	.24
	AREA 2	11.05	.80	1.00	.60	.24
GROUP XI - C						
OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	AREA 1	10.15	.80	1.00	.60	.24
	AREA 2	11.28	.80	1.00	.60	.24

AQ-1,015 P. 19

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.80	1.00	.60	.24
GROUP Ia COMPRESSOR OPERATOR	6.96	.80	1.00	.60	.24
GROUP Ib TRUCK CRANE OILER	7.08	.80	1.00	.60	.24
GROUP IIa TUGGER HOIST (Hoisting material only)	7.59	.80	1.00	.60	.24
GROUP IIb COMPRESSOR OPERATOR (2-7); Generator (100 k.w. or over); Pump (2-7); Welding machine (2-7) powered other than by electricity)	7.76	.80	1.00	.60	.24
GROUP III DECK ENGINEER; Fork lift; A-frame; Self-propelled boom-type lifting device	8.00	.80	1.00	.60	.24
GROUP IIIa HEAVY DUTY REPAIRMAN AND/OR WELDER	8.31	.80	1.00	.60	.24
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu. yd.; Truck crane (up to & incl. 25 tons hoisting material only)	8.76	.80	1.00	.60	.24
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER WITHOUT BOILER, OVER 1 cu. yd.; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane (over 25 tons hoisting material or performing piledriving work)	8.88	.80	1.00	.60	.24

AQ-1,015 P. 20

HYDRAULIC SUCTION DREDGES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BARGEMEN; Deckhand; Fireman; Levee-hand; Oiler	$6.71	.65	1.00	.60	.19
WINCHMAN (stern winch on dredge)	7.30	.65	1.00	.60	.19
DECKMATE	7.40	.65	1.00	.60	.19
WATCH ENGINEER; Welder	7.95	.65	1.00	.60	.19
LEVERMAN	8.64	.65	1.00	.60	.19
CLAMSHELL & DIPPER DREDGES					
DECKHAND; Fireman; Oiler	6.71	.65	1.00	.60	.19
DECK ENGINEER	8.04	.65	1.00	.60	.19
WELDER; Mechanic welder	8.36	.65	1.00	.60	.19
CLAMSHELL OP. (up to & incl. 7 cu. yds. m.v.c.)(long boom pay)	8.94	.65	1.00	.60	.19
CLAMSHELL OP. (over 7 cu. yds. m.v.c) (long boom pay)	9.82	.65	1.00	.60	.19

AQ-1,015 P. 21

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck(when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum truck helpers; Warehousemen	$6.075	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit-industrial lift, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (under 2,500 gals)	6.185	.765	.50	.75	
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75	
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75	
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75	
VACUUM TRUCK (under 3,500 gals)	6.255	.765	.50	.75	
SCISSOR TRUCK; Single unit flat rack (3 axle unit-industrial lift truck, mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (2,500 gals under 4,000 gals)	6.285	.765	.50	.75	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds.& under 8 yds.)	6.325	.765	.50	.75	

AQ-1,015 P. 22

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75		
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dump-crete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75		
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals & under 5,000 gals); Rubber tired jumbo	6.385	.765	.50	.75		
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75		
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75		
VACUUM TRUCK (5,000 gals & under 7,500 gals)	6.435	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (5,000 gals & under 7,000 gals)	6.485	.765	.50	.75		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75		
HEAVY DUTY TRANSPORT (goosenecck loubed)	6.62	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level);Dump-crete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75		

AQ-1,015 P. 23

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	6.625	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds.water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75		
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75		
TRUCK REPAIRMAN	6.745	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35. yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupuls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75		

AQ-1,015 P. 24

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. water level)	6.96	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75		

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: AQ-1,016

DATE: Date of Publication

Supersedes Decision No. AP-905 dated May 18, 1973, in 38 FR 13139.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.68	.83	.58	.70		
Alameda and Contra Costa Counties	9.25	.85	.65	.70		
Fresno, Mariposa and Merced Counties	7.73	.42	.50			
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Monterey and Santa Cruz Counties	7.71	.78	.65	.75		
San Benito and Santa Clara Counties	8.50	.85	.65	.75	.01	
Amador, Calaveras, San Joaquin and Tuolumne Counties	7.77	.33	.30	1.00		
BRICK TENDERS:						
Alameda and Contra Costa Counties	7.20	.50	.70		.10	
Marin County	6.60	.60	.40	.65		
Napa County	6.74	.50	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
San Francisco and San Mateo Counties	7.45	.25	.40	.60		
Shasta and Tehama Counties	5.75	.55	1.05	.70		
Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Counties	6.075	.395	1.15	.50		
CARPENTERS:						
Carpenters	8.25	.60	.80	.75	.02	
Hardwood floor layers; Power saw op.; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02	
Piledrivermen; Bridge, wharf and dock builders	8.38	.60	.80	.75	.02	
Millwrights	8.65	.60	.80	.75	.02	

AQ-1,016 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MASONS:						
Cement masons	$7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75		
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04	
ELECTRICIANS:						
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Sacramento, Sutter, Yolo, Yuba, and those portions of Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed						
Electricians	9.03	.41	1%+.65		.045	
Cable splicers	9.93	.41	1%+.65		.045	
Tunnel:						
Electricians	8.96	.31	1%+.55		.045	
Cable splicers	9.86	.31	1%+.55		.045	
Lake Tahoe Area						
Electricians	9.84	.53	1%+.25		.02	
Cable splicers	10.82	.53	1%+.25		.02	
Shasta and Tehama Counties						
Electricians	8.64	.55	1%+.35		.005	
Cable splicers	9.50	.55	1%+.35		.005	
Tunnel:						
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005	
Cable splicers	9.90	.42	1%+.30		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	9.00	.49	1%		.01	
Cable splicers	10.13	.49	1%		.01	
Contra Costa County						
Electricians	9.60	.60	1%+.50		.02	
Cable splicers	10.85	.60	1%+.50		.02	
Del Norte and Humboldt Counties						
Electricians	8.60	.47	1%+.35		.01	
Cable splicers	9.29	.47	1%+.35		.01	
Fresno County						
Electricians	8.96	.50	1%+.50		.05	
Cable splicers	9.36	.50	1%+.50		.05	
Marin and Sonoma Counties						
Electricians	9.45	.40	1%+.20		.02	
Cable splicers	10.35	.40	1%+.20		.02	
Mariposa, Merced and Tuolumne Counties						
Electricians	9.14	.62	1%		1%	
Cable splicers	9.98	.62	1%		1%	
Monterey County						
Electricians	10.15	.55	1%		.01	
Cable splicers	11.22	.55	1%		.01	

AO-1,016 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS: (cont'd)						
Napa and Solano Counties						
Electricians	$8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
San Benito and Santa Clara Counties						
Electricians	9.03	.64	1%+.35		.02	
Cable splicers	10.16	.64	1%+.35		.02	
San Francisco County						
Electricians	9.67	.705	1%+.35		.04	
Cable splicers	10.88	.705	1%+.35		.04	
San Mateo County						
Electricians	9.55	.43	1%+.15		.03	
Santa Cruz County						
Electricians - Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Amador, Calaveras, Eldorado, Mariposa, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	.01	
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E. of Fairfield), Sonoma Cos.	8.455	.35	.55	.24	.01	
Merced (Remainder of County) and Fresno County	7.25	.35	.55	.61	.05	
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Nevada, Placer and Shasta and Tehama Counties	7.68	.43	.40		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Marin and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			

AO-1,016 P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS:						
Shasta, Sutter, Tehama, and Yuba Cos.:						
Brush; Roller	$5.40	.35	.25	.105		
Spray; Sandblast; Structural steel; Swing stages; Tapers	5.65	.35	.25	.105		
Amador, Calaveras and San Joaquin Cos.:						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper, Swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		
Fresno County						
Brush; Tapers	7.32	.40	.20			
Spray	7.57	.40	.20			
Structural steel	7.57	.40	.20			
Alameda, Contra Costa, Eldorado, Marin, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)						
Brush	7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Del Norte and Humboldt Counties						
Brush	6.40	.35	.20			
Paperhangers; Spray; Tapers	6.65	.35	.20			
Mariposa, Merced and Tuolumne Counties						
Brush	6.30	.35		.75		
Paperhangers; Spray; Tapers	6.55	.35		.75		
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural steel; Tapers	8.35	.30	.20			
PLASTERERS:						
Alameda and Contra Costa Counties	8.24	.575	.45		.01	
Sutter, and Yuba Counties	6.05	.25	.25	.50	.01	
Fresno County	7.59	.56	.50			
Monterey County	8.03	.46	.35		.01	
Eldorado, Nevada, Placer, Sacramento Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.27	.48	.85	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Cos.	7.55	.53	.35	1.00	.01	
Mariposa, Merced and Tuolumne Counties	6.30	.65	.60	1.00		

AO-1,016 P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS' TENDER:						
Alameda and Contra Costa Counties	$7.97	.50	.80		.10	
Fresno County	5.55	.55	1.05	.70		
Marin County	6.30	.60	.40	1.00		
Napa County	6.65	.55		.80		
Amador, Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	6.45	.395	1.05	.70		
San Francisco and San Mateo Counties	7.50	.25	.40	.95		
San Benito and Santa Clara Counties	7.75	.60	.55			
Shasta County	5.75	.55	1.05	.70		
Monterey and Santa Cruz Counties	6.12	.55	1.05	.46		
Shasta and Tehama Counties	5.75	.55	1.05	.70		
Tuolumne County	5.95	.55	1.05	.70		
PLUMBERS:						
Alameda County	9.88	.65	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters						
Amador (northern half of County, Eldorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	8.98	.75	1.05		.11	
Lake Tahoe Area	7.85	.30	.60	1.55	.07	
Marin, San Francisco, and Sonoma Cos.	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
Del Norte and Humboldt Counties	7.60	.48	1.06	1.00	.05	
San Mateo County	8.305	.635	.95	.97	.175	
Amador (southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	8.39	.77	.79		.03	
Napa and Solano Counties	9.40	.60	.58		.07	
ROOFERS:						
Alameda and Contra Costa Counties						
Roofers	7.55	.48	.75	.30	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.80	.48	.75	.30	.01	
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	8.55	.48	.75	.30	.01	
Calaveras, Mariposa, Merced, San Joaquin, and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Eldorado, Placer, Shasta, Sutter, and Yuba Counties						
Roofers	7.54	.50	.40			
Fresno County						
Roofers	7.95	.50	.50			

AO-1,016 P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ROOFERS: (cont'd)						
Sonoma County						
Roofers	$7.09	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	7.34	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	8.09	.50	.70	.78	.01	
Marin County						
Roofers	6.77	.45	.70	1.15	.01	
Mastic workers; Kettlemen (2 kettles without pumps)	7.02	.45	.70	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	7.77	.45	.70	1.15	.01	
Monterey and Santa Cruz Counties						
Roofers	7.45	.30	.50	1.00		
San Francisco and San Mateo Counties						
Roofers	7.00	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	7.25	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.00	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers (slate,*tile and composition)	6.72	.58	.50			
Enameler and pitch	7.47	.58	.50			
San Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	7.11	.46	.63	1.00		
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	7.25	.39	.505	10%b	.015	
Calaveras and San Joaquin Counties	6.375	.36	.50	1.00		
Amador, Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07	
Fresno County	8.20	.48	.79		.07	
Del Norte and Humboldt Counties	8.18	.38	.83			
Marin, Napa, Sonoma and Solano Cos.	8.55	.36	.44		.15	
Mariposa, Merced, and Tuolumne Cos.	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.10	.38	.81	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		.02	
SOFT FLOOR LAYERS:						
Alameda, Calaveras, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.29c	.05	
Merced (east of the San Joaquin River) San Joaquin, Shasta, Sacramento, Amador, Sutter, Tuolumne, Yolo, and Yuba Counties, and those portions of Nevada, Placer and Eldorado Counties (excluding Lake Tahoe Area)	7.455	.495	.45	1.00	.07	
Lake Tahoe Area	8.35	.30	.20			
Fresno County	8.80	.20				
Marin, San Francisco, San Mateo, and Sonoma Counties	7.60	.50	.55	d	.04	

AQ-1,016 P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SOFT FLOOR LAYERS: (cont'd)						
Monterey, San Benito, Santa Clara and Santa Cruz Counties	$7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.71	.30	.50		.02	
SPRINKLER FITTERS:						
Remaining Counties	11.30	.30	.50		.05	
STEAMFITTERS:						
Alameda and Contra Costa Counties	9.415	.30	.65		.005	
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, Sonoma Counties	7.89	.83	.58	1.00		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.60	.40	.40			
Fresno County	7.12	.30				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	7.65	.56	.60	.80	.015	
Amador, Calaveras, San Joaquin Cos.	7.17	.33		.65		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015	
Fresno County	7.12	.30				
Monterey and Santa Cruz Counties	8.27	.665	.64			
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Four Paid Holidays: C, D, E, and Washington's Birthday.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

AQ-1,016 P. 8

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRIDGE; Brush loaders and piler; Cleanup; Dumpman; General; Landscape; Limbers; Tool room attendant	$5.535	.65	1.35	.80	.10
ASPHALT SHOVELERS; Cement dumper; Chipper; Choker setter and rigger; Chucktender; Concrete; Guinea chaser; High pressure nozzleman; Hydraulic monitor; Nipper; Pneumatic, gas and electric tool operator (not otherwise classified); Sloper; Loading, unloading, handling materials for reinforcing concrete construction	5.635	.65	1.35	.80	.10
ASPHALT IRONERS AND RAKERS; Bucker; Buggymobile; Chainsaw; Compactors; Concrete saw and pan work; Cribber and/or shoring; Curb setter; Form raiser; Faller; Headerboard man; Post hole digger (air, gas, or electric); Jackhammer; Kettlemen; Log loader; Magnesite and mastic workers; Pavement breaker; Pipelayers; Pipewrappers; Power broom sweeper; Riprap stonepaver and rock-slinger; Rotary scarifier; Roto-tiller; Sandblaster; Barko, wackers and similar type tampers; Tank cleaners; Tree climber; Vibrator; Vibra-screed bull float	5.785	.65	1.35	.80	.10
BURNING AND WELDING	5.835	.65	1.35	.80	.10
BLASTERS; Drills (diamond or wagon); High scaler; Powderman; Tree topper	6.01	.65	1.35	.80	.10
LABORERS on general construction work on or in bell hole footings and shaft	6.335	.65	1.35	.80	.10
GUNITE LABORERS:					
NOZZLEMEN; Rodmen; Gunmen; Groundmen	6.245	.65	1.35	.80	.10
REBOUNDMEN	5.655	.65	1.35	.80	.10
CONTRA COSTA COUNTY ONLY: PIPELAYERS, Caulkers, Banders	5.985	.65	1.35	.80	.10

AO-1,016 P. 9

POWER EQUIPMENT OPERATORS		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP I						
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar pot fireman); Partsman (Heavy duty repair shop parts room)	AREA 1	$6.63	.80	1.00	.60	.24
	AREA 2	7.76	.80	1.00	.60	.24
GROUP II						
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; Hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator; Spreader boxman (with screeds); Tar pot fireman (power agitated)	AREA 1	6.91	.80	1.00	.60	.24
	AREA 2	8.04	.80	1.00	.60	.24
GROUP III						
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier(construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum	AREA 1	7.08	.80	1.00	.60	.24
	AREA 2	8.21	.80	1.00	.60	.24
GROUP IV						
BALLAST JACK TAMPER; Ballast regulator; ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer; Towermobile	AREA 1	7.53	.80	1.00	.60	.24
	AREA 2	8.66	.80	1.00	.60	.24
GROUP V						
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7)	AREA 1	7.70	.80	1.00	.60	.24
	AREA 2	8.83	.80	1.00	.60	.24

AO-1,016 P. 10

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI							
BLH LIMA ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); Small rubber tired tractors; Surface heater	AREA 1	7.81	.80	1.00	.60	.24	
	AREA 2	8.94	.80	1.00	.60	.24	

AQ-1,016 P. 11

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP VII						
CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	AREA 1	7.94	.80	1.00	.60	.24
	AREA 2	9.07	.80	1.00	.60	.24
GROUP VIII						
ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Kem seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment)	AREA 1	8.26	.80	1.00	.60	.24
	AREA 2	9.39	.80	1.00	.60	.24

AQ-1,016 P. 12

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.	Oil
GROUP IX							
CANAL FINGER DRAIN DIGGER; Chicago boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	AREA 1	8.44	.80	1.00	.60	.24	
	AREA 2	9.57	.80	1.00	.60	.24	
GROUP X							
BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more loader & Adams elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills); Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill combination; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	AREA 1	8.60	.80	1.00	.60	.24	
	AREA 2	9.73	.80	1.00	.60	.24	

AQ-1,016 P. 13

POWER EQUIPMENT OPERATORS (cont'd)

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP X - A						
BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Grade all (up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	AREA 1	8.69	.80	1.00	.60	.24
	AREA 2	9.82	.80	1.00	.60	.24
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Brott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete to asphalt); Tandem cats; Tower cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu yds. per hour); Whirley cranes (over 25 tons)	AREA 1	8.83	.80	1.00	.60	.24
	AREA 2	9.96	.80	1.00	.60	.24

AQ-1,016 P. 14

POWER EQUIPMENT OPERATORS (cont'd)

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
GROUP XI - A						
LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band wagons (in conjunction with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons)	AREA 1	9.70	.80	1.00	.60	.24
	AREA 2	10.83	.80	1.00	.60	.24
GROUP XI - B						
LOADER (over 18 cu. yds.)	AREA 1	9.92	.80	1.00	.60	.24
	AREA 2	11.05	.80	1.00	.60	.24
GROUP XI - C						
OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	AREA 1	10.15	.80	1.00	.60	.24
	AREA 2	11.28	.80	1.00	.60	.24

AO-1,016 P. 15

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.80	1.00	.60	.24
GROUP Ia COMPRESSOR OPERATOR	6.96	.80	1.00	.60	.24
GROUP Ib TRUCK CRANE OILER	7.08	.80	1.00	.60	.24
GROUP IIa TUGGER HOIST (Hoisting material only)	7.59	.80	1.00	.60	.24
GROUP IIb COMPRESSOR OPERATOR (2-7); Generator (100 k.w. or over); Pump (2-7); Welding machine (2-7) powered other than by electricity)	7.76	.80	1.00	.60	.24
GROUP III DECK ENGINEER; Fork lift; A-frame; Self-propelled boom-type lifting device	8.00	.80	1.00	.60	.24
GROUP IIIa HEAVY DUTY REPAIRMAN AND/OR WELDER	8.31	.80	1.00	.60	.24
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu. yd.; Truck crane (up to & incl. 25 tons hoisting material only)	8.76	.80	1.00	.60	.24
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER WITHOUT BOILER, OVER 1 cu. yd.; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane (over 25 tons hoisting material or performing pile-driving work)	8.88	.80	1.00	.60	.24

AO-1,016 P. 16

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck(when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum truck helpers; Warehousemen	$6.075	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit-industrial lift, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (under 2,500 gals)	6.185	.765	.50	.75		
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75		
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75		
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75		
VACUUM TRUCK (under 3,500 gals)	6.255	.765	.50	.75		
SCISSOR TRUCK; Single unit flat rack (3 axle unit-industrial lift truck, mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (2,500 gals under 4,000 gals)	6.285	.765	.50	.75		
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds.& under 8 yds.)	6.325	.765	.50	.75		

AQ-1,016 P. 17

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75		
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75		
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals & under 5,000 gals); Rubber tired jumbo	6.385	.765	.50	.75		
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75		
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75		
VACUUM TRUCK (5,000 gals & under 7,500 gals)	6.435	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (5,000 gals & under 7,000 gals)	6.485	.765	.50	.75		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75		
HEAVY DUTY TRANSPORT (gooseneck lowbed)	6.62	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level);Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75		

AQ-1,016 P. 18

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	6.625	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds.water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75		
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75		
TRUCK REPAIRMAN	6.745	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35. yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupuls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75		

TRUCK DRIVERS CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. water level)	6.96	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

AQ-1,016 P. 21

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

AQ-1,016 P. 22

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

AO-1,016 P. 23
CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable
DECISION NO.: AQ-3,002 DATE: Date of Publication
Supersedes Decision No. AP-811, dated May 11, 1973, in 38 FR 12539.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

1-MASS-1-2-3-z (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$8.80	.505	.45		.005	
Remainder of County	8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; CEMENT MASONS; Cement finisbers; Plasterers; Stonemasons	8.25	.60	.60		.02	
CARPENTERS; Soft floor layers	7.80	.35	.50			
ELECTRICIANS:						
Electrical contracts under $12,000.00	7.25	.25	1%+.25		a	
Electrical contracts over $12,000.00	8.63	.25	1%+.25		a	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50% JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Ornamental; Reinforcing; & Structural	7.70	.45	.80+f		.02	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	7.50	.45	.50		.01	
LEADBURNERS	8.25	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	7.14	.25	1%	e		
Truck driver - groundman	5.58	.25	1%	e		
Groundmen	5.07	.25	1%	e		
Equipment operators	6.31	.25	1%	e		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.20	.50	.30		.02	

AQ-3,002 P. 2

1-MASS-1-2-3-z (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush	$6.25	.30	.20			
Structural steel - 1' to 50'	6.75	.30	.20			
Spray	7.25	.30	.20			
PILEDRIVERMEN	8.65	.50	.30			
PLUMBERS	8.47	.45	.50		.01	
ROOFERS:						
Roofers, kettlemen & waterproofers	7.85	.25	.05			
Roofers' helpers, Class A	7.15	.25	.05			
SHEET METAL WORKERS	8.50	.30	.25			
SPRINKLER FITTERS	8.75	.30	.50		.05	
STEAMFITTERS	8.55	.45	.45	g		
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electrician per week.

b. 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' service as Vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

f. Employer contribution of $.50 to Annuity Fund.

g. 1 paid holiday: 4th of July.

AQ-3,002 P. 3

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02

AQ-3,002 P. 4

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS-..-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05
Blasters; Powdermen	7.05	.40	.40		.05

AQ-3,002 P 5

MASS-1-TD-1 -A

1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3,002 P. 6

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b	
Three axle equipment and tiremen	6.06	.35	.50	a+b	
Four and five axle equipment	6.16	.35	.50	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b	
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b	
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AQ-3.002 P. 7

37-MASS-4-p (1-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Swinger engines	9.16	.55	.60	a	.02
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02

AQ-3.002 P. 8

37-MASS-4-p (2-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO.: AQ-3,003 DATE: Date of Publication
Supersedes Decision No. AP-812, dated May 11, 1973, in 38 FR 12542.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 5-MASS-1-2-3-c (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons:						
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.91		.65		.04	
Remainder of County	8.80	.55	.60		.04	
CARPENTERS; Soft floor layers:						
Gloucester, & Rockport	7.20	.20	.20			
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lynn, Lynnfield, Merrimac, Nahant, Newbury, Newburyport, Rowley, Salisbury, Saugus, Swampscott, & West Newbury	8.35	.50	.50		.02	
Andover, Ballardvale, Lawrence, Methuen, North Andover, & West Andover	7.93	.50	.50		.02	
Remainder of County	8.60	.30	.30			
CEMENT MASONS; Plasterers:						
Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, North Andover, Salisbury, & West Newbury	7.80	.385	.30			
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.91	.39	.65		.04	
Remainder of County	8.80	.55	.60		.04	
ELECTRICIANS:						
Andover, Lawrence, Methuen, & North Andover	9.02	.25	1%+.10		.02	
Lynn, Lynnfield, Nahant, Saugus, & Swampscott	9.10	.35	1%+.95		.05	
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	8.35	.25	1%+.20		.02	
Remainder of County	8.45	.30	1%+.10		.02	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS	8.29	.45	.80+c		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Building):						
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	$6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS:						
Beverly, Danvers, Gloucester, Hamilton, Ipswich, Lynn, Lynnfield, Salem, Saugus, Swampscott, Topsfield, and Wenham	7.15	.45	.50		.01	
Remainder of County	7.15	.45	.50		.01	
LEADBURNERS	8.25	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	e		
Equipment operators	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	

AQ-3,003 P. 3

5-MASS-1-2-3- c (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Essex, Gloucester, Manchester, & Rockport						
Brush	$6.20	.30				
Spray	6.65	.30				
Roller	6.50	.30				
Andover, Boxford, Lawrence, Methuen, & North Andover						
Brush	4.10	.15				
Structural steel	4.60	.15				
Spray	5.10	.15				
Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury						
Brush (Under $3,500.00)	3.00					
Brush (Over $3,500.00)	3.75					
Steel	4.05					
Remainder of County						
Brush	6.55	.20	.15			
Steel	6.80	.20	.15			
Spray	6.925	.20	.15			
PILEDRIVERMEN	8.65	.50	.30			
PLASTERERS' TENDERS:						
Lynn, Lynnfield, Nahant, Saugus and Swampscott	7.05	.40	.40		.05	
PLUMBERS; Steamfitters:						
Amesbury, Haverhill, Merrimac, Salisbury and West Newbury	6.50	.30	.30		.02	
Andover, Georgetown, Groveland, Lawrence, Methuen and North Andover	8.49	.30	.25		.05	
Lynn, Lynnfield, Nahant, Saugus and Swampscott						
Plumbers	9.35	.50	.60		.03	
Steamfitters	9.26	.51	.65		.05	
Remainder of County	8.50	.40	.40		.05	
ROOFERS:						
Haverhill and Lawrence	6.00			f		
Remainder of County	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

AQ-3,003 P. 4

5-MASS-1-2-3- c (4-4)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 Paid Holidays: A through F
c. Employer contribution of $.25 to Annuity Fund.
d. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.
e. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.
f. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Da

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3,003 P. 5

MASS-1-PED-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-3,003 P. 6

MASS-1-PED-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, besters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

AQ-3.003 P. 7

MASS-.-LAB-2-3-i

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and tiremen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AQ-3.003 P. 8

37-MASS-4-p (1-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Swinger engines	9.16	.55	.60	a	.02
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02

AQ-3,003 P. 9

37-MASS-4-p (2-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02
Oilers on scows	7.525	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: AQ-3,004 DATE: Date of Publication
Supersedes Decision No. AP-814, dated May 11, 1973, in 38 FR 12550.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 9-MASS-1-2-3-c (1-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.45	.50	.50		.04	
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Wilmington	8.75	.60	.60		.04	
Newton	8.25	.50	.70		.04	
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, & Woburn	8.95	.50	.50		.04	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Somerville	8.65	.60	.70		.04	
Reading, N. Reading, & Wakefield	8.91	.39	.65		.04	
CARPENTERS; Soft floor layers:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Sherborn, & Stow	8.50	.50	.30		.07	
Arlington, Burlington, Lexington, Melrose, N. Reading, Reading, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	8.35	.50	.50		.02	
Bedford, Concord, Lincoln, Natick, Newton, Sudbury, Waltham, Watertown, Wayland, Weston, & vicinity	8.35	.50	.50		.02	
Ashby, Ayer, & the entire boundaries of Ft. Devens which are the townships of Lunenburg, Shirley, Lancaster, & Harvard; Groton, Pepperell, Shirley, the entire boundaries of Shirley Industrial School, Townsend, W. Groton, & W. Townsend	8.35	.50	.50		.02	
Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Littleton, Lowell, Tewksbury, Tyngsboro, Westford	8.35	.50	.50		.02	
Belmont, Cambridge, Everett, Malden, Medford, & Somerville	8.55	.50	.30		.02	

AQ-3,004 F. 2

9-MASS-1-2-3-c (2-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS:						
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	$8.60	.55				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	8.90	.35	.20		.04	
Reading, N. Reading	8.05	.385	.30			
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Newton	8.25	.50	.70		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, Weston	8.95	.50	.50		.04	
ELECTRICIANS:						
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	9.09	.25	1%+.20		.02	
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend	8.30	.45	1%+.25		.02	
Ashland, Hopkinton, Hudson, Marlboro, Stow	9.33	5%	1%+.24		.01	
N. Reading	9.02	.25	1%+.10		.02	
Remainder of County	9.10	.35	1%+.95		.05	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS	8.29	.45	1.05		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tender; Cement finisher tender; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer operator; Pavement breakers, Wagon drills, Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	

AQ-3.004 P. 3

9-MASS-1-2-3-c (3-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS:						
Acton, Ashby, Ayer, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Lowell, Pepperell, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Wilmington	$7.50	.45	.55		.01	
Ashland, Bedford, Belmont, Concord, Framingham, Holliston, Hudson, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, & Weston	7.15	.45	.50		.01	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, & Woburn	7.15	.45	.55		.01	
Marlboro	7.82	.40	.10		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	d		
Equipment operator	7.17	.25	1%	d		
Groundman	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	
PAINTERS:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush; Taper	7.71	.62	.40		.04	
Steel	7.71+e	.62	.40		.04	
Spray $1.00 per hour premium						
Ashby, Ayer, Groton, Pepperell, Shirley, & Townsend						
Brush	7.83	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
Steel	8.455	.50	.25		.02	
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush; Taping	7.27	.33	.20			
Spray	8.02	.33	.20			
Paperhangers	7.12	.33	.20			
Steel	7.07	.33	.20			
N. Reading, Reading						
Brush	4.10	.15				
Steel	4.60	.15				
Spray	5.10	.15				

AQ-3.004 P. 4

9-MASS-1-2-3-c (4-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT D):						
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Westboro, & Weston						
Brush	$7.00	.35	.25			
Sandblasters; Spray	7.95	.35	.25			
Steel	7.25	.35	.25			
PILEDRIVERMEN	8.65	.50	.30			
PLASTERERS:						
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, & Woburn	7.75	.45	1.00		.02	
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Newton	8.25	.50	.70		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.45	.50	.50		.04	
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
N. Reading, Reading	8.05	.385	.30			
PLASTERERS' TENDERS	7.05	.40	.40		.05	
PLUMBERS:						
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.50	.40	.40		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley, & Townsend	8.50	.30	.20	4%	.02	
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	8.675	.53	.55		.025	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.35	.50	.60		.03	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	8.75	.30	.50		.05	

AQ-3,004 P. 5

9-MASS-1-2-3-c (5-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
STEAMFITTERS:						
Acton, Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.26	.51	.65		.05	
Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.59	.40	.40		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Shirley, & Townsend	8.50	.30	.20	4%	.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS (except cities & towns of Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	8.20	.20	.25			
TILE SETTERS (Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	8.75	.60	.60		.04	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of 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. 6 paid holidays: A through F
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.
e. Employer pays $5.00 per day extra above the brush rate.

AQ-3,004 P. 6

MASS-.-LAB-2-3-i

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

AQ-3.004 P. 7

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b	
Three axle equipment and tiremen	6.06	.35	.50	a+b	
Four and five axle equipment	6.16	.35	.50	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b	
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b	
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AQ-3.004 P. 8

MASS-1-TD-1 -A

1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3,004 P. 9

MASS-1-PED-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-3,004 P. 10

MASS-1-PED-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

AQ-3,004 P. 11

37-MASS-4-p (1-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

AQ-3,004 P. 12

37-MASS-4-p (2-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02
Oilers on scows	7.525	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: AQ-3,005 DATE: Date of Publication
Supersedes Decision No. AQ-2,003, dated August 3, 1973, in 38 FR 21001.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

RESIDENTIAL 9-R-MASS-a (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS; Stonemasons:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville	$8.65	.60	.70		.04	
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.45	.50	.50		.04	
Bedford, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.75	.60	.60		.04	
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, & Woburn	8.95	.50	.50		.04	
Acton, Ashby, Ayer, Boxboro, Ft. Devens, Groton, Littleton, Pepperell, Shirley, Townsend	8.60	.45	.40			
N. Reading, Reading, & Wakefield	8.91	.39	.65		.04	
Newton	8.25	.50	.70		.04	
CARPENTERS; Soft floor layers:						
Ashland, Framingham, Hudson, Hopkinton, Marlboro, Maynard, Holliston, Sherborn, & Stow	8.50	.50	.30		.07	
Belmont, Cambridge, Everett, Malden, Medford, Somerville	8.55	.50	.30		.02	
Remainder of County	8.35	.50	.50		.02	
CEMENT MASONS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Wakefield, Stoneham, Wilmington, Winchester, Woburn	8.90	.35	.20		.04	
Acton, Bedford, Burlington, Tyngsboro, Westford, & Lowell	8.60	.55				
N. Reading, Reading	8.05	.385	.30			
Newton	8.25	.50	.70		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, Weston	8.95	.50	.50		.04	
Remainder of County	8.75	.60	.60		.04	
ELECTRICIANS:						
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington	9.09	.25	1%+.20		.02	
Ashby, Ayer, Groton, Pepperell Shirley, & Townsend	8.30	.45	1%+.25		.02	
Ashland, Hopkinton, Hudson, Marlboro, & Stow	9.33	5%	1%+.24		.01	
North Reading	9.02	.25	1%+.10		.02	
Remainder of County	9.10	.35	1%+.95		.05	
IRONWORKERS	8.29	.45	1.05		.03	

AQ-3,005 P. 2

9-R-MASS-a (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborers	$6.80	.40	.40		.05	
Asphalt rakers; Diamond head & carbide core drilling machines; Mason tenders; Plasterers' tenders; Pneumatic-gas-electric tool op.; Stone rakers, & Spreaders; Wagon drill	7.05	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
LATHERS:						
Ashland, Bedford, Belmont, Concord, Framingham, Holliston, Hudson, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Weston,	7.15	.45	.50		.01	
Marlboro	7.82	.40	.10		.01	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, & Woburn	7.15	.45	.55		.01	
Remainder of County	7.50	.45	.55		.01	
PAINTERS:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush; tapers	7.71	.62	.40		.04	
Sandblasting; Spray	8.71	.62	.40		.04	
Steel	7.71+a	.62	.40		.04	
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend						
Brush	7.83	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
Steel	8.455	.50	.25		.02	
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush	7.27	.33	.20			
Spray	8.02	.33	.20			
Acton, Ashland, Boxboro, Concord, Framingham, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, & Weston						
Brush	7.00	.35	.25			
Sandblasting; Spray	7.95	.35	.25			
Steel	7.25	.35	.25			
Reading						
Brush	4.10	.15				
Spray	5.10	.15				
Steel	4.60	.15				

AQ-3,005 P. 3

9-R-MASS-a (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Newton	$8.25	.50	.70		.04	
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, & Woburn	7.75	.45	1.00		.02	
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.45	.50	.50		.04	
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
Reading, N. Reading	8.05	.385	.30			
PLUMBERS:						
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.35	.50	.60		.03	
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	8.675	.53	.55		.025	
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.50	.40	.40		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley, & Townsend	8.50	.30	.20	4%	.02	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
STEAMFITTERS:						
Acton, Arlington, Cambridge, Everett, Malden, Melrose, Medford, Newton, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.26	.51	.65		.05	
Ashland, Belmont, Concord, Framingham, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	8.675	.53	.55		.025	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Groton, Shirley, & Townsend	8.50	.30	.20	4%	.02	
Remainder of County	8.59	.40	.40		.02	

AQ-3,005 P. 4

9-R-MASS-a (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

FOOTNOTE:
a. Employer pays $5.00 per day extra above brush rate.

1 of 1

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3.005 P. 5

(1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-3.005 P. 6

(2-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Suffolk
DECISION NO.: AQ-3,006 DATE: Date of Publication
Supersedes Decision No. AP-815 dated May 11, 1973, in 38 FR 12554.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction and dredging.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 13-MASS-1-2-3-g (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Stonemasons	8.65	.60	.70		.04	
CARPENTERS; Soft floor layers	8.55	.50	.30		.02	
CEMENT MASONS	8.90	.35	.20		.04	
ELECTRICIANS	9.10	.35	1%+.95		.05	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Ornamental; Reinforcing; Structural	8.29	.45	1.05		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom man	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	7.15	.45	.55		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION:						
Linemen	8.08	.25	1%	d		
Equipment operators	7.17	.25	1%	d		
Groundman-truck driver	5.41	.25	1%	d		
MARBLE SETTERS; Terrazzo workers	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	
PAINTERS:						
Brush	7.61	.32	.30		.04	
Structural steel	7.61+e	.32	.30		.04	
Spray	8.61	.32	.30		.04	
PILEDRIVERMEN	8.65	.50	.30			
PLASTERERS	7.75	.45	1.00		.02	
PLASTERERS' TENDERS	7.05	.40	.40		.05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 13-MASS-1-2-3-g (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS	9.35	.50	.60		.03	
ROOFERS; Waterproofers	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	9.68	.30	.50		.02	
STEAMFITTERS	9.26	.51	.65		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.20	.20	.25			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of 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. 6 paid holidays: A through F.
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.
e. Employer pays $5.00 per day extra above the brush rate.

AQ-3,006 P. 3

MASS-1-TD-1 -A 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3,006 P. 4

MASS-.-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and tiremen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AQ-,3006 P. 5

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02

AQ-3,006 P. 6

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

AQ-3,006 P. 7

37-MASS-4-p (1-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour					
Master mechanic	9.86	.55	.60	a	.02
Swinger engines	9.16	.55	.60	a	.02
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02

AQ-3,006 P. 8

37-MASS-4-p (2-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

AQ-3,006 P. 9

BH-DREDGE-1-ATL-C

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.36	.742	.163	c+d		
Tug engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance engineer	5.29	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder Machinist	6.3487	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oiler; Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day (6½) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.
c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.
d. One week's vacation after one year of employment.

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: AQ-3,007
COUNTY: Worcester
DATE: Date of Publication
Supersedes Decision No. AP-816, dated May 11, 1973, in 38 FR 12558.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-z (1-3)

TOWNSHIPS OF: Fitchburg, Grafton, Harvard, Holden, Lancaster, Leicester, Leominster, Millbury, N. Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement finishers; Plasterers; Stonemasons; & Tile setters: Harvard, Lancaster, Fitchburg, & Leominster	8.75	.60	.60		.04	
BRICKLAYERS; Cement masons; Marble setters; Plasterers; Stonemasons; Terrazzo workers; & Tile setters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.50	.50	.45		.02	
CARPENTERS; Soft floor layers: Fitchburg, Harvard, & Leominster	8.35	.50	.50		.02	
Grafton, Holden, Lancaster, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, Worcester	8.65	.40	.30		.02	
Westboro	7.95	.50	.30		.07	
ELECTRICIANS: Fitchburg, Harvard, Lancaster, & Leominster	8.30	.45	1%+.25		.02	
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS: Ornamental; Reinforcing; Structural	8.29	.45	1.05		.03	
LABORERS (BUILDING): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	

AQ-3,007 P. 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-z (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING) CONT'D: Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	7.82	.40	.10		.01	
LEADBURNERS	8.25	.30		c	.01	
LINE CONSTRUCTION: Lineman	8.08	.25	1%	d		
Equipment operator	7.17	.25	1%	d		
Driver groundman	5.41	.25	1%	d		
Groundman	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers: Fitchburg, Harvard, Lancaster, & Leominster	7.65	.50	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.83	.50	.30		.02	
PAINTERS: Westboro						
Brush	7.00	.35	.25			
Steel	7.25	.35	.25			
Sandblasters; Spray	7.95	.35	.25			
Remaining portion						
Brush	7.83	.50	.25		.02	
Structural steel	8.455	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
PILEDRIVERMEN	8.65	.50	.30			
PIPEFITTERS	9.725	.35	.25		.05	
PLASTERERS' TENDERS: Grafton, Holden, Leicester, Millbury, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS; Steamfitters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.725	.55	.30			
Fitchburg, Harvard, Lancaster, & Leominster	9.225	.65	.45			
ROOFERS; Damp-proofers	8.50					
SHEET METAL WORKERS	9.00	.55	.25		.05	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS' HELPERS	6.50	.20	.10			

AQ-3,007 P. 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-x (3-3)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of 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. 6 paid holidays: A through F
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

MASS-1-TD-1 -a 1 of 1

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3,007 P. 4

MASS-1-FED-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O+
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-3,007 P. 5

MASS-1-PED-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS-.-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

AQ-3,007 P. 6

MASS - 1 - TD - 2-3 D

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and tiremen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Blaine, Broadwater, Cascade, Chouteau, Hill, Fergus, Glacier, Judith-Basin, Lewis & Clark, Liberty, Meagher, Phillips, Pondera, Teton, Toole, Valley and Wheatland

DECISION NUMBER: AQ-1,018

DATE: Date of Publication

Supersedes Decision No. AP-910 dated June 22, 1972, in 38 FR 16615

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.96	.44	.72			
BOILERMAKERS	8.25	.30	1.00	.02	.02	
BRICKLAYERS:						
Broadwater, Lewis & Clark, and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.65	.25				
Remaining Counties	6.25					
CARPENTERS:						
Blaine and Hill Counties						
Carpenters	4.75	.225	.25			
Sawfilers, Stationary power saw operator; Piledriver	4.90	.225	.25			
Millwrights	5.00	.225	.25			
Broadwater, Lewis and Clark Counties						
Carpenters	6.25	.30	.45		.02	
Piledrivermen	6.40	.30	.45		.02	
Millwrights	6.50	.30	.45		.02	
Wheatland County						
Carpenters	6.27	.30	.45		.02	
Floor sander; Sawmen	6.395	.30	.45		.02	
Piledrivermen	6.42	.30	.45		.02	
Millwrights	6.57	.30	.45		.02	
Valley and Phillips Counties	6.00	.30	.45		.02	
Remaining Counties						
Carpenters	6.47	.30	.45		.02	
Piledrivermen; Saw filers; Sawmen	6.72	.30	.45		.02	
Millwrights	6.97	.30	.45		.02	
CEMENT MASONS:						
Wheatland County	6.00	.35				
Broadwater, Lewis and Clark and Meagher Counties	6.22					
Glacier County	6.15	.20				
Remaining Counties	6.35	.35				

AQ-1,018 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS:						
Broadwater, Lewis & Clark and Meagher Counties						
Electricians	$7.00		1%		½%	
Blaine, Hill, Liberty, and Phillips Cos.						
Electricians	6.80		1%		½%	
Valley County						
Electricians	6.40		1%		½%	
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Cos.						
Electricians	7.83	.32	1%		½%	
Cable splicers	8.08	.32	1%		½%	
Fergus and Wheatland Counties						
(Electrical Contracts less than $20,000)	5.40		1%		½%	
(Electrical Contracts $20,000 or more)	6.10		1%		½%	
ELEVATOR CONSTRUCTORS	6.74	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Cascade, Chouteau, Glacier, Judith-Basin, Lewis & Clark, Pondera, Teton Counties	6.01	.29	.20	4%		
IRONWORKERS:						
Ornamental, Reinforcing, Structural						
Lewis and Clark (South portion)	7.10	.40	.65		.05	
Lewis and Clark (Northern area) and Remaining Counties	7.03	.40	.65		.05	
MARBLE MASONS:						
Broadwater, Lewis and Clark and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	7.65	.25				
Remaining Counties	6.25					
PAINTERS:						
Broadwater, Lewis & Clark (Southern portion) and Meagher Counties						
Brush	6.11	.25	.20			
Paperhanging	6.36	.25	.20			
Taping, Hand Taping	6.86	.25	.20			
Brush on steel; Spray	7.11	.25	.20			
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Lewis & Clark (Northern portion), Pondera, Teton and Toole Cos.						
Brush	5.85	.34	.30			
Paperhanger	6.10	.34	.30			
Brush on steel	6.35	.34	.30			
Spraying; Sandblasting	8.10	.34	.30			
Phillips and Valley Counties						
Brush or roller	5.84	.25	.20			
Structural steel	6.09	.25	.20			
Spray	6.82	.25	.20			

AQ-1,018 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
PLASTERERS:						
Blaine, Cascade, Chouteau, Liberty, Pondera, Teton and Toole Counties	$6.04	.20				
Hill, Phillips and Valley Counties	6.25					
Glacier County	6.45	.20				
Broadwater, Lewis & Clark and Meagher Counties	6.30	.25	.15		.05	
Wheatland County	6.05	.35				
PLUMBERS:						
Wheatland County	7.30	.40	.40		1½%	
Broadwater, Lewis & Clark Counties	7.50	.25	.35		.05	
Remaining Counties	7.35	.35	.50		1%	
ROOFERS:						
Broadwater, and Meagher Counties	5.33	.35	.30	.50		
Wheatland County	6.155					
Remaining Counties	6.15					
SHEET METAL WORKERS:						
Lewis and Clark, Broadwater and Meagher Counties	6.88	.22	.10			
Fergus, Phillips, Valley and Wheatland Counties	7.05	.32	.20		.02	
Remaining Counties	6.81	.32	.10	.50	.02	
SPRINKLER FITTERS	7.65	.30	.50		.05	

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: 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.

AQ-1,018 P. 4

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Cascade, Chouteau, Fergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties						
Laborers:						
General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors and installer; Scalemen	$5.52	.37	.27		.03	
Brick tenders; Dumpman (grade); Small concrete mixers	5.92	.37	.27		.03	
Air-Track; Asphalt raker and tampers; Barco tampers; Concrete nozzlemen; High scaler; Hod carriers; Plaster tenders	6.02	.37	.27		.03	
Car or truck mounted air operated drills and other air tools; Mechanical tampers; Jackhammers; Pavement breakers, wagon drillers; Pipelayers (non-metallic); Power driven wheelbarrow; Power saw (bucking and falling)	5.77	.37	.27		.03	
Blaine, Hill, Liberty and Valley Cos.						
Laborers: Car and truck loaders; Carpenter tender and form stripper; Concrete laborers; Dumpman (spotter); Small power tools, chippers; Clay spades, pogo stick; Fence erectors and installers	5.17	.37	.27		.03	
Dumpman (Grade)	5.29	.37	.27		.03	
Caisson workers (free air); Concrete saw; Small concrete mixer; Concrete nozzleman; Barco tamper; Jackhammer; Pavement breaker; Placo operator; Pipe layers (non-metallic); Power driven concrete buggies or wheelbarrows; Nozzleman; Sandblaster; Pot tender; Tar pot tender; Tailhoseman; Vibrator (over 2½"); Vibrator turtle; Bull gang; Chuck tender; Muckers and nippers pot tender; Primerhouseman	5.42	.37	.27		.03	
Brick tenders (handling bricks and blocks only)	5.57	.37	.27		.03	
Concrete nozzleman; Miner	5.67	.37	.27		.03	
Laser tools and equipment; Powderman	5.92	.37	.27		.03	

AQ-1,018 P.5

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Broadwater(Northern area), Lewis & Clark and Meagher Counties						
General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer	$5.20	.37	.27	.10	.03	
Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper	5.355	.37	.27	.10	.03	
All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders	5.455	.37	.27	.10	.03	
Mortar mixer; Powderman	5.55	.37	.27	.10	.03	
Wheatland County						
Common laborers	5.19	.37	.27		.03	
Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter	5.44	.37	.27		.03	

AQ-1,018 P. 6

Broadwater, Ferrus, Judith-Basin, Lewis & Clark, Meagher, Phillips, Valley and Wheaton Counties

MONT-1-PEO-2-3-b (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
A-Frame Truck Crane, Winch Truck and similar	$6.86	.45	.45		.03	
Air Compressor, Single	6.55	.45	.45		.03	
Air Compressor, two or more	6.72	.45	.45		.03	
Air Doctor	7.02	.45	.45		.03	
Asphalt Paving Machine	7.02	.45	.45		.03	
Asphalt Paving Machine Screed	7.02	.45	.45		.03	
Automatic Finegrader, Gurries and other similar types	7.15	.45	.45		.03	
Belt Finish Machine	6.72	.45	.45		.03	
Bit Grinder	7.02	.45	.45		.03	
Bituminous Mixer Paving, Travel Plant	7.02	.45	.45		.03	
Boring Machine (small), jeep, pickup or farm tractor mounted	6.61	.45	.45		.03	
Boring Machine (large)	7.02	.45	.45		.03	
Broom, self-propelled	6.69	.45	.45		.03	
Cableway Highline	7.53	.45	.45		.03	
Cement Silo	6.81	.45	.45		.03	
Central Mixing Plants, Concrete dam & stationary	7.27	.45	.45		.03	
Chain Bucket Loader	6.74	.45	.45		.03	
Chip or Gravel Spreader, self-propelled	6.74	.45	.45		.03	
Concrete Batch Plant, one & two mixers	7.02	.45	.45		.03	
Concrete Batch Plant, three and four mixers	7.22	.45	.45		.03	
Concrete Batch Plant, five mixers & over	7.42	.45	.45		.03	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.54	.45	.45		.03	
Concrete Batch Plant Oiler, three mixers and over	6.85	.45	.45		.03	
Concrete Bucket Dispatcher	7.02	.45	.45		.03	
Concrete Curing Machine	7.02	.45	.45		.03	
Concrete Finish Machine Paving	7.02	.45	.45		.03	
Concrete Float-Spreader	7.02	.45	.45		.03	
Concrete Mixer, three bags & under	6.61	.45	.45		.03	
Concrete Mixer, four bags and over	6.78	.45	.45		.03	
Concrete Power Saw, self-propelled	7.02	.45	.45		.03	
Concrete Travel Batcher	7.02	.45	.45		.03	
Conveyor Loader, up to & incl. 42" belt	6.60	.45	.45		.03	
Conveyor Loader, over 42 inch belt	6.72	.45	.45		.03	
Crane, to & incl. 80' boom with jib	7.18	.45	.45		.03	
Crane, 81' to 130' boom	7.33	.45	.45		.03	

AQ-1,018 P. 7

MONT-1-PED-2-3-b (2-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Crane, 131' to 150' boom	$7.38	.45	.45		.03	
Crane, 151' boom & over	7.43	.45	.45		.03	
Crane Oiler	6.59	.45	.45		.03	
Crusher	7.02	.45	.45		.03	
Crusher Oiler & Helper	6.51	.45	.45		.03	
Crusher Conveyor, when required	6.48	.45	.45		.03	
Distributor	7.02	.45	.45		.03	
DW 10, 15, or 20 Tractor pulling roller	6.74	.45	.45		.03	
Electric Overhead Cranes	7.20	.45	.45		.03	
Elevating Grader	7.02	.45	.45		.03	
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45		.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45		.03	
Field Equipment Serviceman	6.94	.45	.45		.03	
Field Equipment Serviceman Helper	6.51	.45	.45		.03	
Fireman	6.61	.45	.45		.03	
Forklift, on construction job site	6.83	.45	.45		.03	
Form Grader	6.79	.45	.45		.03	
Gradall	7.02	.45	.45		.03	
Grade Setter	6.48	.45	.45		.03	
Heavy Duty Drill, all types	7.02	.45	.45		.03	
Heavy Duty Driller Helper	6.61	.45	.45		.03	
Herman-Nelson Heaters & similar type	6.56	.45	.45		.03	
Hoist, Single drum	6.79	.45	.45		.03	
Hoist, two or more drums	7.02	.45	.45		.03	
Helicopter Hoist	7.52	.45	.45		.03	
Hot Plant	7.02	.45	.45		.03	
Hot Plant Fireman, when in Operation	7.02	.45	.45		.03	
Hot Plant Oiler, 100 ton per hour or over	6.51	.45	.45		.03	
Hydra lift and similar types	6.92	.45	.45		.03	
Industrial Locomotive all classes	7.02	.45	.45		.03	
Mechanic and/or Welder on job	7.12	.45	.45		.03	
Mechanic and/or Welder Helper on job	6.51	.45	.45		.03	
Mixermobile	7.10	.45	.45		.03	
Motor Patrol	7.15	.45	.45		.03	
Mountain Logger or similar type	7.02	.45	.45		.03	
Mucking Machine	7.02	.45	.45		.03	
Oiler-Driver, Tubber Tired Cranes	6.59	.45	.45		.03	
Oilers, other than Shovels & Cranes	6.51	.45	.45		.03	
Oiler, hoist house, dams	6.92	.45	.45		.03	
Pavement Breaker, Ensco & similar	7.02	.45	.45		.03	
Paving & Mixing Machine	7.15	.45	.45		.03	
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45		.03	
Power Mixer, single or double drum	7.02	.45	.45		.03	
Power Saw, Multiple cut, self-propelled	7.02	.45	.45		.03	
Pumpcrete or Grout Machine	7.02	.45	.45		.03	
Pumpman	6.55	.45	.45		.03	

AQ-1,018 P. 8

MONT-1-PED-2-3-b (3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Push Tractor	$7.02	.45	.45		.03	
Quad Cat	7.32	.45	.45		.03	
Refrigerator Plant	7.02	.45	.45		.03	
Retort	6.61	.45	.45		.03	
Roller, on blade or hot mix oil paving	7.02	.45	.45		.03	
Roller, on other blade or hot mix paving	6.72	.45	.45		.03	
Roller, 25 ton or over	7.02	.45	.45		.03	
Ross & similar type carriers, on construction site	7.02	.45	.45		.03	
Rubber-tired Dozer	7.02	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45		.03	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.03	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45		.03	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45		.03	
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45		.03	
Scraper, DW 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45		.03	
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
Scraper, single engine	7.15	.45	.45		.03	
Scraper, twin engine	7.25	.45	.45		.03	
Scraper, tandem engine	7.51	.45	.45		.03	
Self-propelled Sheepfoot and similar type	7.02	.45	.45		.03	
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45		.03	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45		.03	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45		.03	
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45		.03	
Shovel Oiler, 3 yds. & under	6.51	.45	.45		.03	
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45		.03	
Slip form paver	7.15	.45	.45		.03	
Stiff leg derrick & guy derrick	7.47	.45	.45		.03	
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45		.03	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45		.03	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45		.03	

AQ-1,018 P. 9

MONT-1-PEO-2-3-b (4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Track-type front end loaders, over 15 cu. yd.	$7.45	.45	.45		.03	
Track-type tractor with or without attachments	7.02	.45	.45		.03	
Track-type tractor, on Euclid Loader	7.20	.45	.45		.03	
Trenching Machine	7.02	.45	.45		.03	
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45		.03	
Wagner Roller & similar type	7.02	.45	.45		.03	
Whirley Crane	7.35	.45	.45		.03	
Whirley Crane Oiler	6.92	.45	.45		.03	
Water Pull when used for compaction	7.02	.45	.45		.03	
Washing and Screening Plant	7.02	.45	.45		.03	
Washing and Screening Plant Oiler	6.51	.45	.45		.03	

AQ-1,018 P. 10

Remaining Counties

MON-4-PEO-1-g (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg derrick and guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.03	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.03	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.03	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.03	
AUTOMATIC FINEGRADER, Gurries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.03	

AQ-1,018 P. 11

MON-4-PEO-1-g (2-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MIXERMOBILE	$7.11	.45	.45		.03	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted and punch	7.05	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Ensco and similar; Power mixer, single or double-drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all-attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.03	

AQ-1,018 P. 12

MON-4-PEO-1-g (3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.03	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.03	
HOIST, SINGLE DRUM	6.81	.45	.45		.03	
A-FRAME TRUCK CRANE, winch truck and similar	6.80	.45	.45		.03	
CEMENT SILO; Form grader	6.79	.45	.45		.03	
HYDRO TAMPER	6.77	.45	.45		.03	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.03	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.03	
BROOM, self-propelled	6.67	.45	.45		.03	
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.03	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.03	
RETORT OPERATOR	6.57	.45	.45		.03	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50HP engine; Hot plant oiler, 100 tons per hr. and over; Oiler driver, rubber-tired crane	6.56	.45	.45		.03	
PUMPMAN	6.55	.45	.45		.03	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.03	

AQ-1,018 P. 13

MON-4-PEO-1-g (4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVEL, OILER, 3 yds. and under	$6.51	.45	.45		.03	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Beaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.03	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.03	
CONCRETE PUMP	7.80	.45	.45		.03	
CRANE 81' to 130' BOOM	7.50	.45	.45		.03	
CRANE 131' to 150' BOOM	7.55	.45	.45		.03	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.03	
MECHANIC AND/OR WELDER	7.12	.45	.45		.03	
WHIRLEY CRANE OILER	6.85	.45	.45		.03	

AQ-1,018 P. 14

MONT-1-TD-1-2-1-h (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

AQ-1,018 P. 15

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

AQ-1,018 P. 16

MONT-SW-LINE CONSTRUCTION-2-3-f

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(Jobs 69,000 volts or less)						
Cable splicer	$7.18	.25	1%		½%	
Linemen	6.49	.25	1%		½%	
Line equipment operators; Powdermen	6.38	.25	1%		½%	
Experienced groundmen (2 yrs.); Truck drivers	5.05	.25	1%		½%	
Groundmen	4.49	.25	1%		½%	
(Jobs over 69,000 volts) and/or (projects of $400,000 or over)						
Cable splicers	7.36	.25	1%		½%	
Linemen; Pole sprayer	6.99	.25	1%		½%	
Line equipment operators; Powdermen	6.42	.25	1%		½%	
Groundmen	5.31	.25	1%		½%	

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Beaverhead, Deer Lodge, Gallatin, and Silver Bow

DECISION NUMBER: AQ-1,019

DATE: Date of Publication

Supersedes Decision No. AP-916 dated June 29, 1973, in 38 FR 19609

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.96	.44	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS:						
Deer Lodge County	6.35					
Beaverhead, and Silver Bow Counties	7.50					
Gallatin County	7.10					
CARPENTERS:						
Beaverhead, and Silver Bow Counties	6.11	.30	.45	.50	.02	
Deer Lodge County	6.01	.30	.35		.01	
Gallatin County	6.13	.30	.45	.	.02	
CEMENT MASONS:						
Beaverhead, Deer Lodge, and Silver Bow Counties	4.90	.30		.60		
Gallatin County	5.95	.25				
ELECTRICIANS:						
Beaverhead and Silver Bow Counties	7.10	.30	1%		½%	
Deer Lodge County	6.95		1%		½%	
Gallatin County	6.60	.20	1%		½%	
ELEVATOR CONSTRUCTORS	6.74	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.10	.40	.65		.05	
LATHERS:						
Deer Lodge, Gallatin and Silver Bow Counties	5.95				.01	
MARBLE MASON:						
Gallatin County	6.65					
PAINTERS:						
Beaverhead and Silver Bow Counties						
Brush	5.56					
Roller, over 8 ft.	6.06					
Spray	8.34					

AQ-1,019 F. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLASTERERS:						
Beaverhead, Deer Lodge and Silver Bow Counties	$4.90	.30		.60		
Gallatin County	5.80	.25				
PLUMBERS	7.50	.25	.35		.05	
ROOFERS:						
Beaverhead, Deer Lodge, and Silver Bow Counties	5.33	.35	.30	.50		
Gallatin County	5.27					
SHEET METAL WORKERS:						
Gallatin County	6.56	.27	.10		.02	
Beaverhead, Deer Lodge and Silver Bow Counties	6.55	.27	.20			
SPRINKLER FITTERS	7.65	.30	.50		.05	
TERRAZZO WORKERS & Tile Setters:						
Gallatin County	7.10					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-1,019 P. 3

Beaverhead, Deer Lodge and Silver Bow Counties

4-MONT-IAB-1-b (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
General laborer; Axeman; Carpenter tender; Car and truck loaders, Scissorman; Chuck tender and nipper (above ground); Cosmolene, applying and temoving; Fence erector and installer incl. the installation and erection fences, guard rails, median rails, erference posts, guide posts and right-of-way markers); Form stripper; Form setter; Landscape laborer; Nozzleman-air and water, gunnite and place machine; Pilot car; Riprap helper; Scaleman; Sod cutter (hand operated) (General laborer); Stake jumper for equipment; Tool checker, toolhouseman	$5.00	.37	.27	.50	.03
Riprapper; Sandblaster; Sandblaster tailhouseman; Pot tender	5.07	.37	.27	.50	.03
Hand faller	5.08	.37	.27	.50	.03
Post hole digger (power Auger)	5.09	.37	.27	.50	.03
Concrete or asphalt saws; Tar pot operator	5.10	.37	.27	.50	.03
Powderman helper	5.12	.37	.27	.50	.03
Caisson workers (free air); Chocker setter; Pipe wrapper; Power saw (bucking); Spike driver, single or dual or hand	5.16	.37	.27	.50	.03
Drills, air-tract, self-propelled car or truck mount air operated drills; Jackhammer, pavement breaker, wagon driller, mechanical tamper, vibrating roller hand steered and other power tools	5.17	.37	.27	.50	.03
Asphalt raker; Dumpman (grademan)	5.18	.37	.27	.50	.03
High pressure machine nozzleman	5.22	.37	.27	.50	.03
Pipe layer (all types); Cutting torch operator	5.25	.37	.27	.50	.03
Powderman	5.27	.37	.27	.50	.03
Grade setter	5.28	.37	.27	.50	.03

AQ-1,019 P. 4

4-MONT-IAB-1 - b (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
High scaler	$5.35	.37	.27	.50	.03
Dumpman (spotter)	5.38	.37	.27	.50	.03
Power saw (falling)	5.40	.37	.27	.50	.03
Rigger	5.50	.37	.27	.50	.03
Core drill operator	5.60	.37	.27	.50	.03
Concrete worker, wet or dry; Tending masons when pouring and finishing concrete	5.08	.37	.27	.50	.03
Vibrator operator; Tending stonesetters, Marble setters, Tile setters, Skagiola and Terrazzo workers; Tending brick masons or brick or stone work; Tending plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete conveyor swinger operator	5.24	.37	.27	.50	.03
Power driven concrete buggies	5.12	.37	.27	.50	.03
CALLATIN COUNTY					
Laborers:					
General laborers	5.19	.37	.27		.03
Hod carriers; Jackhammer operator; Vibrator; Mixer; Concrete pump tender; Nozzleman; Concrete curb machine; Curb form setter	5.44	.37	.27		.03

AQ-1,019 P.5

GALLATIN COUNTY

MONT-1-PEO-2-3-b (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
A-Frame Truck Crane, Winch Truck and similar	$6.86	.45	.45		.03	
Air Compressor, Single	6.55	.45	.45		.03	
Air Compressor, two or more	6.72	.45	.45		.03	
Air Doctor	7.02	.45	.45		.03	
Asphalt Paving Machine	7.02	.45	.45		.03	
Asphalt Paving Machine Screed	7.02	.45	.45		.03	
Automatic Finegrader, Curries and other similar types	7.15	.45	.45		.03	
Belt Finish Machine	6.72	.45	.45		.03	
Bit Grinder	7.02	.45	.45		.03	
Bituminous Mixer Paving, Travel Plant	7.02	.45	.45		.03	
Boring Machine (small), jeep, pickup or farm tractor mounted	6.61	.45	.45		.03	
Boring Machine (large)	7.02	.45	.45		.03	
Broom, self-propelled	6.69	.45	.45		.03	
Cableway Highline	7.53	.45	.45		.03	
Cement Silo	6.81	.45	.45		.03	
Central Mixing Plants, Concrete dam & stationary	7.27	.45	.45		.03	
Chain Bucket Loader	6.74	.45	.45		.03	
Chip or Gravel Spreader, self-propelled	6.74	.45	.45		.03	
Concrete Batch Plant, one & two mixers	7.02	.45	.45		.03	
Concrete Batch Plant, three and four mixers	7.22	.45	.45		.03	
Concrete Batch Plant, five mixers & over	7.42	.45	.45		.03	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.54	.45	.45		.03	
Concrete Batch Plant Oiler, three mixers and over	6.85	.45	.45		.03	
Concrete Bucket Dispatcher	7.02	.45	.45		.03	
Concrete Curing Machine	7.02	.45	.45		.03	
Concrete Finish Machine Paving	7.02	.45	.45		.03	
Concrete Float-Spreader	7.02	.45	.45		.03	
Concrete Mixer, three bags & under	6.61	.45	.45		.03	
Concrete Mixer, four bags and over	6.78	.45	.45		.03	
Concrete Power Saw, self-propelled	7.02	.45	.45		.03	
Concrete Travel Batcher	7.02	.45	.45		.03	
Conveyor Loader, up to & incl. 42" belt	6.60	.45	.45		.03	
Conveyor Loader, over 42 inch belt	6.72	.45	.45		.03	
Crane, to & incl. 80' boom with jib	7.18	.45	.45		.03	
Crane, 81' to 130' boom	7.33	.45	.45		.03	

AQ-1,019 P.6

MONT-1-PEO-2-3-b (2-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Crane, 131' to 150' boom	$7.38	.45	.45		.03	
Crane, 151' boom & over	7.43	.45	.45		.03	
Crane Oiler	6.59	.45	.45		.03	
Crusher	7.02	.45	.45		.03	
Crusher Oiler & Helper	6.51	.45	.45		.03	
Crusher Conveyor, when required	6.48	.45	.45		.03	
Distributor	7.02	.45	.45		.03	
DW 10, 15, or 20 Tractor pulling roller	6.74	.45	.45		.03	
Electric Overhead Cranes	7.20	.45	.45		.03	
Elevating Grader	7.02	.45	.45		.03	
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45		.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45		.03	
Field Equipment Serviceman	6.94	.45	.45		.03	
Field Equipment Serviceman Helper	6.51	.45	.45		.03	
Fireman	6.61	.45	.45		.03	
Forklift, on construction job site	6.83	.45	.45		.03	
Form Grader	6.79	.45	.45		.03	
Gradall	7.02	.45	.45		.03	
Grade Setter	6.48	.45	.45		.03	
Heavy Duty Drill, all types	7.02	.45	.45		.03	
Heavy Duty Driller Helper	6.61	.45	.45		.03	
Herman-Nelson Heaters & similar type	6.56	.45	.45		.03	
Hoist, Single drum	6.79	.45	.45		.03	
Hoist, two or more drums	7.02	.45	.45		.03	
Helicopter Hoist	7.52	.45	.45		.03	
Hot Plant	7.02	.45	.45		.03	
Hot Plant Fireman, when in Operation	7.02	.45	.45		.03	
Hot Plant Oiler, 100 ton per hour or over	6.51	.45	.45		.03	
Hydra lift and similar types	6.92	.45	.45		.03	
Industrial Locomotive all classes	7.02	.45	.45		.03	
Mechanic and/or Welder on job	7.12	.45	.45		.03	
Mechanic and/or Welder Helper on job	6.51	.45	.45		.03	
Mixermobile	7.10	.45	.45		.03	
Motor Patrol	7.15	.45	.45		.03	
Mountain Logger or smilar type	7.02	.45	.45		.03	
Mucking Machine	7.02	.45	.45		.03	
Oiler-Driver, Tubber Tired Cranes	6.59	.45	.45		.03	
Oilers, other than Shovels & Cranes	6.51	.45	.45		.03	
Oiler, hoist house, dams	6.92	.45	.45		.03	
Pavement Breaker, Ensco & similar	7.02	.45	.45		.03	
Paving & Mixing Machine	7.15	.45	.45		.03	
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45		.03	
Power Mixer, single or double drum	7.02	.45	.45		.03	
Power Saw, Multiple cut, self-propelled	7.02	.45	.45		.03	
Pumpcrete or Grout Machine	7.02	.45	.45		.03	
Pumpman	6.55	.45	.45		.03	

AO-1,019 P. 7

MONT-1-PEO-2-3-b (3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Push Tractor	$7.02	.45	.45		.03	
Quad Cat	7.32	.45	.45		.03	
Refrigerator Plant	7.02	.45	.45		.03	
Retort	6.61	.45	.45		.03	
Roller, on blade or hot mix oil paving	7.02	.45	.45		.03	
Roller, on other blade or hot mix paving	6.72	.45	.45		.03	
Roller, 25 ton or over	7.02	.45	.45		.03	
Ross & similar type carriers, on construction site	7.02	.45	.45		.03	
Rubber-tired Dozer	7.02	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45		.03	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45		.03	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.03	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45		.03	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45		.03	
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45		.03	
Scraper, DW 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45		.03	
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
Scraper, single engine	7.15	.45	.45		.03	
Scraper, twin engine	7.25	.45	.45		.03	
Scraper, tandem engine	7.51	.45	.45		.03	
Self-propelled Sheepfoot and similar type	7.02	.45	.45		.03	
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45		.03	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45		.03	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45		.03	
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45		.03	
Shovel Oiler, 3 yds. & under	6.51	.45	.45		.03	
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45		.03	
Slip form paver	7.15	.45	.45		.03	
Stiff leg derrick & guy derrick	7.47	.45	.45		.03	
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45		.03	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45		.03	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45		.03	

AO-1,019 P. 8

MONT-1-PEO-2-3-b (4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Track-type front end loaders, over 15 cu. yd.	$7.45	.45	.45		.03	
Track-type tractor with or without attachments	7.02	.45	.45		.03	
Track-type tractor, on Euclid Loader	7.20	.45	.45		.03	
Trenching Machine	7.02	.45	.45		.03	
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45		.03	
Wagner Roller & similar type	7.02	.45	.45		.03	
Whirley Crane	7.55	.45	.45		.03	
Whirley Crane Oiler	6.92	.45	.45		.03	
Water Pull when used for compaction	7.02	.45	.45		.03	
Washing and Screening Plant	7.02	.45	.45		.03	
Washing and Screening Plant Oiler	6.51	.45	.45		.03	

AQ-1,019 P. 9

MON-3-PEO-1-f (1-4)

Remaining Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments. H & W	Pensions	Vacation	App. Tr.	O/
A-FRAME TRUCK CRANE	$6.86	.45	.45		.03	
AIR COMPRESSOR, single	6.55	.45	.45		.03	
AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete Curing Machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant; Hot plant fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, traxacavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking Machine; Pavement breaker, Ensco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel & self-propelled rubber on Blade on hot-mix oil paving Roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on Constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Show-						

AQ-1,019 P. 10

MON-3-PEO-1-f (2-4)

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments. H & W	Pensions	Vacation	App. Tr.	C.
els, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	7.02	.45	.45		.03	
AUTOMATIC FINEGRADER, gurries & similar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & similar if power unit is used; Scraper, single engine; Slip form paver	7.15	.45	.45		.03	
BORING MACHINE; Concrete mixer, 3 bags & under; Fireman; Heavy duty rotary drill helper; Retort op.	6.61	.45	.45		.03	
BROOM OP., self-propelled	6.69	.45	.45		.03	
CABLEWAY OP.	7.53	.45	.45		.03	
CEMENT SILO	6.81	.45	.45		.03	
CENTRAL MIXING PLANTS, concrete dams & stationary	7.27	.45	.45		.03	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.03	
CONCRETE BATCH PLANT OP., 3 & 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT OP., 5 mixers & over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, up to & incl. 2 mixers	6.54	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.85	.45	.45		.03	
CONCRETE MIXER OP., 4 bags & over	6.78	.45	.45		.03	
CONVEYOR LOADER, to & incl. 42" belt	6.60	.45	.45		.03	
CRANE, to & incl. 80' boom with jib	7.18	.45	.45		.03	
CRANE, 81' to 130' boom	7.33	.45	.45		.03	
CRANE, 131' to 150' boom	7.38	.45	.45		.03	

AQ-1,019 P. 11

MON-3-PEO-1-f (3-4)

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
CRANE, 151' boom & over	$7.43	.45	.45		.03	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.03	
CRANES, electric overhead; Shovels, incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.20	.45	.45		.03	
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.03	
CRANE, WHIRLEY	7.55	.45	.45		.03	
CRANE, WHIRLEY OILER; hydralift & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.03	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.51	.45	.45		.03	
CRUSHER CONVEYOR, when required; Farm type tractor, up to & incl. 50 H.P.; Grade setter	6.48	.45	.45		.03	
DRILLING MACHINE (does not include Jack-hammer, Wagon drillers or waterlines)	6.93	.45	.45		.03	
EUCLID LOADER & similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.03	
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson & similar	6.56	.45	.45		.03	
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.03	
FORK LIFT (On constr. site)	6.83	.45	.45		.03	
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.03	

AQ-1,019 P. 12

MON-3-PEO-1-g (4-4)

POWER EQUIPMENT OPERATORS: (Cont.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
FULLER KENYON PUMP; Loaders (Barber Green & similar)	$6.67	.45	.45		.03	
HELICOPTER HOIST	7.52	.45	.45		.03	
LOADERS, RUBBER-TIRED, 1 yd. & under	6.73	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	7.14	.45	.45		.03	
LOADERS, RUBBER-TIRED, 5 yds. to & incl. 10 yds.	7.24	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 10 yds, to & incl. 15 yds.	7.34	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. side-boards)	7.44	.45	.45		.03	
LOADERS, TRACK-TYPE, over 5 yds. to & incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.03	
LOADERS, TRACK-TYPE, over 10 yds. to & incl. 15 yds.	7.35	.45	.45		.03	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.03	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.03	
MIXERMOBILE	7.10	.45	.45		.03	
PILEDRIVER (when shovel equip. is not used)	6.67	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
SHOVELS, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.47	.45	.45		.03	
SHOVELS, incl. all attachs., over 5 yds.	7.60	.45	.45		.03	

AQ-1,019 P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Gallatin County						
Truck Drivers:						
Dump, 7 yds, or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers	$4.76	.45	.25			
House movers	4.80	.45	.25			
Flat, 2 - 5 tons	4.91	.45	.25			
Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers	5.01	.45	.25			
Dump, over 10 yds. to and incl. 15 yds.	5.17	.45	.25			
Dump, over 15 yds. to and incl. 20 yds.	5.31	.45	.25			

AQ-1,019 P. 14

Beaverhead, Deer Lodge and Silver Bow Counties

MONT.-1-TD-1-2-3-A (1-2)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and icnl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

AQ-1,019 P. 15

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

AQ-1,019 P. 16

MONT-SW-LINE CONSTRUCTION-2-3-f

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LINE CONSTRUCTION: (Jobs 69,000 volts or less)						
Cable splicer	$7.18	.25	1%		½%	
Linemen	6.49	.25	1%		½%	
Line equipment operators; Powdermen	6.38	.25	1%		½%	
Experienced groundmen (2 yrs.); Truck drivers	5.05	.25	1%		½%	
Groundmen	4.49	.25	1%		½%	
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	7.36	.25	1%		½%	
Linemen; Pole sprayer	6.99	.25	1%		½%	
Line equipment operators; Powdermen	6.42	.25	1%		½%	
Groundmen	5.31	.25	1%		½%	

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: AQ-1,020
COUNTY: Silver Bow
DATE: Date of Publication
Supersedes Decision No. AP-915 dated June 29, 1973, in 38 FR 17403
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.50					
Carpenters	6.11	.30	.45	.50	.02	
Cement Masons	4.90	.30		.60		
Electricians	7.10	.30	1%		½%	
Ironworkers:						
Structural, Ornamental and Reinforcing	7.10	.40	.65		.05	
Painters, brush	5.56					
Plumbers	7.50	.25	.35		.05	
Sheet Metal Workers	6.55	.27	.20			

AQ-1,020 P. 2

&-MONT-IAR-1-b (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
General laborer; Axeman; Carpenter tender; Car and truck loaders, Scissorman; Chuck tender and nipper (above ground); Cosmolene, applying and removing; Fence erector and installer incl. the installation and erection fences, guard rails, median rails, erference posts, guide posts and right-of-way markers); Form stripper; Form setter; Landscape laborer; Nozzleman-air and water, gunnite and place machine; Pilot car; Riprap helper; Scaleman; Sod cutter (hand operated) (General laborer); Stake jumper for equipment; Tool checker, toolhouseman	$5.00	.37	.27	.50	.03	
Riprapper; Sandblaster; Sandblaster tailhouseman; Pot tender	5.07	.37	.27	.50	.03	
Hand faller	5.08	.37	.27	.50	.03	
Post hole digger (power Auger)	5.09	.37	.27	.50	.03	
Concrete or asphalt saws; Tar pot operator	5.10	.37	.27	.50	.03	
Powderman helper	5.12	.37	.27	.50	.03	
Caisson workers (free air); Chocker setter; Pipe wrapper; Power saw (bucking); Spike driver, single or dual or hand	5.16	.37	.27	.50	.03	
Drills, air-tract, self-propelled car or truck mount air operated drills; Jackhammer, pavement breaker, wagon driller, mechanical tamper, vibrating roller hand steered and other power tools	5.17	.37	.27	.50	.03	
Asphalt raker; Dumpman (grademan)	5.18	.37	.27	.50	.03	
High pressure nachine nozzleman	5.22	.37	.27	.50	.03	
Pipe layer (all types); Cutting torch operator	5.25	.37	.27	.50	.03	
Powderman	5.27	.37	.27	.50	.03	
Grade setter	5.28	.37	.27	.50	.03	

AQ-1.020 P. 3

4-MONT-LAB-1 - b (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
High scaler	$5.35	.37	.27	.50	.03	
Dumpman (spotter)	5.38	.37	.27	.50	.03	
Power saw (falling)	5.40	.37	.27	.50	.03	
Rigger	5.50	.37	.27	.50	.03	
Core drill operator	5.60	.37	.27	.50	.03	
Concrete worker, wet or dry; Tending masons when pouring and finishing concrete	5.08	.37	.27	.50	.03	
Vibrator operator; Tending stonesetters, Marble setters, Tile setters, Skagiola and Terrazzo workers; Tending brick masons or brick or stone work; Tending plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete conveyor swinger operator	5.24	.37	.27	.50	.03	
Power driven concrete buggies	5.12	.37	.27	.50	.03	

AQ-1.020 P. 4

MON-3-PEO-1- f (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O-
POWER EQUIPMENT OPERATORS						
A-FRAME TRUCK CRANE	$6.86	.45	.45		.03	
AIR COMPRESSOR, single	6.55	.45	.45		.03	
AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete Curing Machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant; Hot plant fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, traxcavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking Machine; Pavement breaker, Ensco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel & self-propelled rubber on Blade on hot-mix oil paving Roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on Constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Shov-						

AQ-1.020 P. 5

MON-3-PEO-1-f (2-4)

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments, H & W	Pensions	Vacation	App. Tr.	C.
els, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	7.02	.45	.45		.03	
AUTOMATIC FINEGRADER, gurries & similar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & similar if power unit is used; Scraper, single engine; Slip form paver	7.15	.45	.45		.03	
BORING MACHINE; Concrete mixer, 3 bags & under; Fireman; Heavy duty rotary drill helper; Retort op.	6.61	.45	.45		.03	
BROOM OP., self-propelled	6.69	.45	.45		.03	
CABLEWAY OP.	7.53	.45	.45		.03	
CEMENT SILO	6.81	.45	.45		.03	
CENTRAL MIXING PLANTS, concrete dams & stationary	7.27	.45	.45		.03	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.03	
CONCRETE BATCH PLANT OP., 3 & 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT OP., 5 mixers & over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, up to & incl. 2 mixers	6.54	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.85	.45	.45		.03	
CONCRETE MIXER OP., 4 bags & over	6.78	.45	.45		.03	
CONVEYOR LOADER, to & incl. 42" belt	6.60	.45	.45		.03	
CRANE, to & incl. 80' boom with jib	7.18	.45	.45		.03	
CRANE, 81' to 130' boom	7.33	.45	.45		.03	
CRANE, 131' to 150' boom	7.38	.45	.45		.03	

AQ-1.020 P. 6

MON-3-PEO-1-f (3-4)

POWER EQUIPMENT OPERATORS: (Cont)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C.
CRANE, 151' boom & over	$7.43	.45	.45		.03	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.03	
CRANES, electric overhead; Shovels, incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.20	.45	.45		.03	
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.03	
CRANE, WHIRLEY	7.55	.45	.45		.03	
CRANE, WHIRLEY OILER; hydralift & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.03	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.51	.45	.45		.03	
CRUSHER CONVEYOR, when required; Farm type tractor, up to & incl. 50 H.P.; Grade setter	6.48	.45	.45		.03	
DRILLING MACHINE (does not include Jack-hammer, Wagon drillers or waterlines)	6.93	.45	.45		.03	
EUCLID LOADER & similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.03	
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson & similar	6.56	.45	.45		.03	
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.03	
FORK LIFT (On constr. site)	6.83	.45	.45		.03	
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.03	

AQ-1.020 P. 7

MON-3-PEO-1-f (4-4)

POWER EQUIPMENT OPERATORS: (Cont.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
FULLER KENYON PUMP; Loaders (Barber Green & similar)	$6.67	.45	.45		.03	
HELICOPTER HOIST	7.52	.45	.45		.03	
LOADERS, RUBBER-TIRED, 1 yd. & under	6.73	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	7.14	.45	.45		.03	
LOADERS, RUBBER-TIRED, 5 yds. to & incl. 10 yds.	7.24	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 10 yds, to & incl. 15 yds.	7.34	.45	.45		.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. sideboards)	7.44	.45	.45		.03	
LOADERS, TRACK-TYPE, over 5 yds. to & incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.03	
LOADERS, TRACK-TYPE, over 10 yds. to & incl. 15 yds.	7.35	.45	.45		.03	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.03	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.03	
MIXERMOBILE	7.10	.45	.45		.03	
PILEDRIVER (when shovel equip. is not used)	6.67	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03	
SHOVELS, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.47	.45	.45		.03	
SHOVELS, incl. all attachs., over 5 yds.	7.60	.45	.45		.03	

AQ-1.020 P. 8

MONT.1-TD.1-2-3-h (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and icnl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

AQ-1.020 P. 9

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTY: Hillsboro
DECISION NO.: AQ-3001 DATE: Date of Publication
Supersedes Decision No. AP-498, dates April 6, 1973, in 38 FR 8853
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4-stories).

6-New Hampshire-1-B 1 of 1

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.705	.40	.30		.01	
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers and tile setters:						
Remainder of County	6.95	.40	.35		.01	
Hillsboro Amtrim, Hancock, N. Branch, Hillsboro Upper and Lower Villages	7.25	.25				
Carpenters:						
Pelham:						
Carpenters and soft floor layers	8.35	.50	.50		.02	
Remainder of County:						
Carpenters and soft floor layers	6.56	.25	.20		.01	
Piledrivermen	7.36	.25	.20		.01	
Electrcians:						
Pelham:						
Electricians	7.95	.25	1%		.02	
Remainder of County:						
Electricians	4.85	.25	1%		.01	
Glaziers	6.57	.25	.36		.02	
Ironworkers:						
Structural, ornamental and reinforcing	7.70	.45	.80		.02	
Laborers, Bldg.:						
Common laborers, wreckers, tenders, and hod carriers, asphalt rakers	5.41	.40	.35		.05	
Plasterers tenders	5.56	.40	.35		.05	
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	5.81	.40	.35		.05	
All other pneumatic tool operator on boiler and stack work	6.31	.40	.35		.05	
Boiler and stack work	5.91	.40	.35		.05	
Marble setters' helpers	5.05	.15	.10			
Painters:						
Brush	4.70	.175				
Steel, open structural and spray	5.95	.175				
Steel, enclosed over 25'	5.80	.175				
Steeplejack	6.80	.175				
Plumbers and Steamfitters:						
Hudson and Pelham	8.10	.40	.40		.02	
Remainder of County	8.23	.35	.25		.02	
Roofers:						
Composition	5.65					
Helpers	4.90					
Sheet Metal workers	8.02	.31	.32			
Terrazzo workers' helpers	7.40	.20	.10			
Tile setters' helpers	5.05	.15	.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-3001 P.2
N.H.-1-PEO-1 P 1 of 2

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Shovels, cranes, draglines, derricks, elevators with Chicago boom, backhoes, gradalls, elevating graders, pile driving rigs, concrete road, pavers, all three drum hoisting and trenching machines	$8.00	.25	.40	a	.05	
Rotary drill (with mounted compressor) compressor house (3 to 6 compressors) rock and earth boring machines (excluding McCarthy and similar drills), graders, 4 yards and over front end loader, two drum hoists, high fork lifts with capacity of 15 feet and over	7.75	.25	.40	a	.05	
Bulldozers, push cats, scrapers, (self-propelled or tractor drawn), asphalt paver, front end loader (3/4 yard up to 4 yards), well drillers, mechanics, pumpcrete machines, concrete pumps, and similar type pumps, engineer or fireman on high pressure boiler (on job), self-loading batch plant, well point operators, (including installing), engineer-in-charge of powered grease truck, all automatic elevators (permanent or temporary) operated manually or by remote controls	7.55	.25	.40	a	.05	
Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders (under 3/4 yard), McCarthy and similar drills, batch plant (not self-loading), bulk cement plants, self-propelled material spreaders, A-frame trucks, and fork lifts (up to fifteen feet)	7.125	.25	.40	a	.05	
Compressor 315 cubic feet and over, one or two), pumps (4 inches and over-total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller, compactors or other machines used for pulverizing, grading or seeding	7.10	.25	.40	a	.05	

AQ-3001 P. 3
N.H.-1-PEO-1 P 2 of 2

RESIDENTIAL CONSTRUCTION (Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Compressors (up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor, oiler, including helpers on grease trucks and grease trucks with hand greasing equipment	$6.55	.25	.40	a	.05	
Cranes with boom lengths of 200 feet or more	9.00	.25	.40	a	.05	
Crane with boom length of 150 feet or more	8.50	.25	.40	a	.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F and Veterans Day, Washington's Birthday and Columbus Day.

AQ-3001 P. 4

N.H.-1-TD-1-B 1 of 1

TRUCK DRIVERS, RESIDENTIAL	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; (provided employee works two days in the calendar week in which the holidays falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie

DECISION NO.: AQ-22

DATE: Date of Publication

Supersedes Decision No. AP-731 dated May 11, 1973 in 38 FR 12592

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.45	.25	.30		.02	
Boilermakers	6.80	.30	.50		.02	
Bricklayers-Stonemasons:						
Oklahoma, Cleveland, & Canadian Cos.	7.37	.40	.35		.05	
Lincoln & Pottawatomie Counties	7.00					
Carpenters:						
Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99:						
Carpenters	5.70					
Power Saw Operator	5.95					
Millwrights	6.15					
Piledrivermen	6.15					
Pottawatomie County and part of Lincoln County South of Turner Turnpike; the city limits of Moore in Cleveland County; all of Oklahoma County and that portion of Canadian County lying east of a line of Highway #4 (called Piedmont Road):						
Carpenters	7.40	.20			.02	
Power Saw Operator	7.65	.20			.02	
Millwrights	7.65	.20			.02	
Piledrivermen	7.65	.20			.02	
Cleveland County (except that area covered by the city limits of Moore):						
Carpenters	6.55	.20			.02	
Power Saw Operator	6.80	.20			.02	
Millwrights	6.80	.20			.02	
Piledrivermen	6.80	.20			.02	
Canadian County West of Highway #4 (called Piedmont Road):						
Carpenters	5.50	.20			.02	
Power Saw Operator	5.625	.20			.02	
Millwrights	5.825	.20			.02	
Piledrivermen	5.825	.20			.02	
Cement Masons (Lincoln, Oklahoma, Cleveland, and Canadian Counties)	6.825					
Electricians:						
ZONE 1 - the area within the ten mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City						
ZONE II - the area between the ten mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area						

AQ-22 - P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS (CONT'D)						
ZONE III-the area outside zones 1 and 2 and within the local union area						
Electricians:						
Zone I	$7.65	.30	1%+.20		1%	
Zone II	7.90	.30	1%+.20		1%	
Zone III	8.15	.30	1%+.20		1%	
Cable Splicers:						
Zone I	7.90	.30	1%+.20		1%	
Zone II	8.15	.30	1%+.20		1%	
Zone III	8.40	.30	1%+.20		1%	
Elevator Constructors	6.67	.17	.185	2%+a+b		
Elevator Constructors' Helpers	4.67	.17	.185	2%+a+b		
Elevator Constructors' Helpers (Prob)	3.335					
Glaziers	6.46					
Ironworkers	7.74	.30	.35		.05	
Laborers (Oklahoma, Canadian, Lincoln, and Cleveland Counties):						
Unskilled laborers	4.50					
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete and clay); plasterers' tenders	4.65					
Laborers (Pottawatomie County):						
Unskilled laborers	4.05					
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete and clay); plasterers' tenders	4.17					
Lathers	7.75				.01	
Marble masons	5.95		.30			
Painters:						
Brush	6.05	.35	.25	.15	.02	
Spray under 30 feet	6.55	.35	.25	.15	.02	
Spray over 30 feet	7.05	.35	.25	.15	.02	
Paperhangers	7.05	.35	.25	.15	.02	
Sandblasterers	6.55	.35	.25	.15	.02	
Smoke stacks, towers, swing stage, chair work and window jack	6.55	.35	.25	.15	.02	
Plasterers (Pottawatomie County)	7.475				.01	
Plasterers (Canadian, Cleveland, Oklahoma, and Lincoln Counties)	7.75				.01	
Plumbers-Steamfitters	7.60	.55	.40		.10	
Roofers	6.75		.25		.04	
Sheet Metal Workers	7.40	.30	.25		.05	
Soft Floor Layers:						
Resilient Floor Layers	6.05	.30				
Carpet Layers	6.05	.30				
Sprinkler Fitters	8.35	.30	.50		.05	
Terrazzo Workers	5.95		.30			
Terrazzo Workers' Helpers	4.80					
Terrazzo floor machine Man	5.00					
Terrazzo Base Machine Man	5.30					
Tile Setters	5.95		.30			
Tile and Marble Helpers:						
Experienced helpers	4.30					

AQ-22 - P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Truck drivers for heavy equipment such as lowboys, heavy winch, and floats	$5.17					
Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps	5.37					
Truck drivers and swampers, such as dump truck, flat beds, stake bodies, and 3/4 & 1/2 ton pick-up trucks	5.07					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AQ-22 - P. 4

77-Oklahoma-1-H (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

AQ-22 - P. 5

77-Oklahoma-1-H (2-2)

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

*

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.

AQ-22 - P. 6

OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen	$6.86		1%		1/2%	
Cable splicers	7.26		1%		1/2%	
Hole digger operator	6.24		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	6.24		1%		1/2%	
Line truck driver (winch op.)	5.64		1%		1/2%	
Jackhammer man	5.15		1%		1/2%	
Powdermen	6.24		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.85		1%		1/2%	
Groundmen	4.59		1%		1/2%	

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Tulsa

DECISION NO.: AQ-23 DATE: Date of Publication

Supersedes Decision No. AP-364, dated December 8, 1972 in 37 FR 26249

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.70		.20		.015	
Boilermakers	6.80	.30	.50		.02	
Bricklayers; Stonemasons	7.38	.30	.40	.33	.04	
Carpenters	6.91	.25	.25		.03	
Cement Masons:						
Cement Masons	6.07			.70	.06	
Power tool operator	6.32			.70	.06	
Electricians	6.50	.35	1%+.15	.30	.06	
Cable splicers	6.75	.35	1%+.15	.30	.06	
Elevator constructors	6.23	.175	.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob. 6 mos.)	50%JR					
Glaziers	6.125	.25	.30		.01	
Ironworkers:						
Structural; Ornamental; Reinforcing	7.74	.30	.35		.05	
Laborers:						
Laborers	5.15	.20	.15			
Air tool op. (jackhammer, vibrator); Mason tender; Mortar mixers; Pipe-layers (concrete & clay); Plasterers tenders	5.35	.20	.15			
Wagon drill operator	5.55	.20	.15			
Powderman or Blaster	6.00	.20	.15			
Lathers	6.50		.10		.01	
Marble setters	4.95	.25	.10	.25	.05	
Millwrights	7.21	.25	.25		.03	
Painters:						
Brush	6.15		.25	.20	.02	
High work & stage	6.55		.25	.20	.02	
Spray and sandblasting	6.80		.25	.20	.02	
Hot or Bituminous	7.45		.25	.20	.02	
Sheetrock handtools	6.15		.25	.20	.02	
Sheetrock Power tools	6.50		.25	.20	.02	
Hazardous work	8.35		.25	.20	.02	
Piledrivermen	7.21	.25	.25		.03	
Pipefitters	7.51	.35	.40		.05	
Plasterers	6.45				.01	
Plumbers	7.51	.35	.40		.05	

AQ-23 - P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers	$6.75		.25		.04	
Sheet Metal workers	7.36	.30	.40		.06	
Soft floor layers	5.12		.15	.18	.03	
Sprinkler fitters	8.35	.30	.50		.05	
Terrazzo workers	6.65					
Terrazzo workers' & tile layers; helper	5.30					
Terrazzo workers' helpers floor machine operator	5.40					
Terrazzo workers' helpers base machine operator	5.60					
Tile layers	6.65					
Truck drivers:						
Truck drivers, including pick-up 1½ tons or 2½ yds. up to but not including 3 tons or 4 yds. such as dump trucks, flat beds, stake body or bus driver	5.58					
3 tons or 4 yds. up to but not including 4 tons or 6 yards	5.63					
5 tons or 6 yds. and over, including heavy equipment	5.73					
Truck drivers' helpers	5.53					
Tractor-trailer and similar equipment	5.73					

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 years. - 4% of basic hourly rate

b. Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-23 - P. 3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor patrol (blade); Dozer (Engine HP 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine HP 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

AQ-23 - P. 4

77 - Okla - PEO 1 3 H (2-2)

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						

AQ-23 - P. 5

OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lineman	$6.86		1%		1/2%	
Cable splicers	7.26		1%		1/2%	
Hole digger operator	6.24		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	6.24		1%		1/2%	
Line truck driver (winch op.)	5.64		1%		1/2%	
Jackhammer man	5.15		1%		1/2%	
Powderman	6.24		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.85		1%		1/2%	
Groundmen	4.59		1%		1/2%	

SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NO.: AQ-2006
COUNTIES: Bristol, Kent and Providence
DATE: Date of Publication
Supersedes Decision No. AP483, dated March 23, 1973, in 38 FR 7778
DESCRIPTION OF WORK: Building Construction, excluding single family homes and garden type apartment up to and including 4-stories), heavy and highway construction, and marine construction

1-2-4-RI-BRI-KENT-PROV-1-D 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	8.80	.505	.45		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons and stone masons:						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	8.70	.25	.25		.01	
Bricklayers, cement masons, plasterers, stonemasons, marble, tile and terrazzo workers:						
Woonsocket, N. Smithfield, Burrillville and Cumberland Hill	8.67	.25	.30		.01	
Bristol and Kent Counties; and Remainder of Providence County:						
Bricklayers and stone masons	8.57	.25	.35		.01	
Cement masons	7.95	.50	.35			
Marble, tile and terrazzo workers	8.55	.25	.35			
Plasterers	8.15	.50	.35			
Carpenters, soft floor layers, piledrivermen:						
Burrillville, N. Smithfield, Woonsocket townships	7.67	.25	.25			
Bristol & Kent Cos., & Remainder of Providence County:						
Carpenters, soft floor layers & Piledrivermen	8.25	.35	.35		.01	
Millwrights	8.50	.35	.35		.01	
Electricians	8.40	.38	1%+.25		.02	
Elevator constructors	6.87	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (Prob.)	3.435					
Glaziers	7.74	.42	.30	e	.01	
Ironworkers: Str., orn., reinf.	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building:						
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.80	.40	.40		.05	
Jackhammers, paving breaker, chain saw, pipelayers, mechanical grinder, all other pnuematic tools, barco type jumping tampers	7.05	.40	.40		.05	
Plasterers tenders	7.05	.40	.40		.05	
Powdermen Blasters	7.55	.40	.40			
Laborers, Wrecking:						
Laborers, signalmen	6.80	.40	.40		.05	
Adzeman, burner, jackhammer	7.05	.40	.40		.05	

AQ-2006 P. 2

1-2-4-RI-BRI-KENT-PROV-1-D 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$7.40	.45	.50		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	7.14	.20	1%	d		
Driver Groundman	5.58	.20	1%	d		
Groundman	5.07	.20	1%	d		
Equipment operator	6.31	.20	1%	d		
Marble, tile and terrazzo workers' helpers	7.23		.50			
Painters:						
Bristol, Kent and Providence Counties:						
Brush and Roller	7.20	.40	.40			
Structural steel & steam cleaning	7.45	.40	.40			
Spray and sand or water blasting	8.20	.40	.40			
Air power Brush	7.70	.40	.40			
Plumbers	9.17					
Roofers:						
Composition, waterproofers	7.85	.20	.25			
*Slate, tile and precast concrete	8.05	.20	.25			
Helpers, Class A	7.00	.20	.25			
Helpers, Class B	6.45	.20	.25			
Sheet metal workers	8.73	.56	.55		.05	
Sprinkler fitter	9.07	.30	.50		.01	
Steamfitters, pipefitters	8.82	.35	.80		.03	
Truck Drivers: Building						
2-axle; dumps	5.31	.30	.50			
3-axle; trailers	5.39	.30	.50			
Low beds, trailers (24 tons and over); trailers (I-Beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New 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% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid Holiday: A through F, Bunker Hill Day provided employee has been employed 10 working days prior to the Holiday and provided the employee worked the scheduled work day immediately preceding and following the holiday.

e. Paid Holiday: "D".

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, stone masons, catch basin, manhole builders	8.57	.25	.35		.01	
Carpenters, piledrivers	8.55	.35	.35		.01	
Cement masons - finishers	6.85	.35				
Electricians:						
Bristol & Kent Cos.;						
Providence County	8.40	.38	1%+.25		.02	
Ironworkers: Str., Orn., reinforcing	7.70	.45	.80+.50		.02	
Laborers:						
Laborers	6.80	.40	.40		.05	
Adzemen, asphalt rakers, barco type jumping tampers, chain saw operators concrete saw operators, demolition burners, fence and guard rail erectors grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators concrete and power buggy operators	7.05	.40	.40		.05	
Air track op.	7.30	.40	.40		.05	
Blasterers and powdermen	7.55	.40	.40		.05	
Pavers, rammers, curb setters	7.30	.40	.40		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Equipment Operator	6.31	.20	1%	a		
Groundman	5.07	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Bristol, Kent and Providence County:						
Brush & roller	7.20	.40	.40			
Structural steel, steam cleaning	7.45	.40	.40			
Spray sandblasting or water blasting	8.20	.40	.40			
Air power brush	7.70	.40	.40			
Plumbers	9.17	.35	.35			
Waterproofers	7.85	.20	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

FOOTNOTE:
A- Holidays: A through F, Bunker Hill Day provided employee has been employed 10 work days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

AO-2006 P. 5

RI-1-PEO-3-4- O

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds	8.65	.40	.40		.05	
Maintenance Engineers	8.35	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.15	.40	.40		.05	

AO-2006 P. 6

RI-1-PEO-1 O

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

AQ-2006 P. 7

R.I.-1-TEO-3-F

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Digging machines, cranes, pileddrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen	7.75	.40	.40			
Oilers and apprentices	6.90	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40			
Scrapers and graders & dozer operators	7.775	.40	.40			
Pippin type backhoe operator	8.00	.40	.40			
Maintenance engineers	7.50	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.775	.40	.40			
Test boring machine operators	6.625	.40	.40			
Well point installation crews	7.60	.40	.40			
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40			
over 150 feet	9.90	.40	.40			
Operators of cat cranes with booms of 150 to 180 feet	9.65	.40	.40			
over 180 feet	9.90	.40	.40			

AQ-2006 P. 8

RHODE ISLAND-1-TD-2-3. J

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

STATE: Utah
DECISION NUMBER: AQ-1,017
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AP-254 dated December 8, 1972, in 37 FR 26255
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
ASBESTOS WORKERS	$7.48	.50	.65			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS	7.83	.24	.22		.01	
CARPENTERS:						
Carpenters:						
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.24	.45	.45	.25	.03	
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Provo-Richfield-Salt Lake City-Vernal)	7.99	.45	.45	.25	.03	
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Salt Lake City-Vernal)	8.115	.45	.45	.25	.03	
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.24	.45	.45	.25	.03	
Saw filers; Saw operators, and Carpenters handling creosote material:						
Zone 1	7.365	.45	.45	.25	.03	
Zone 2	8.115	.45	.45	.25	.03	
Zone 3	8.24	.45	.45	.25	.03	
Zone 4	8.365	.45	.45	.25	.03	
Millwrights (all zones)	7.49	.45	.45	.25	.03	
Acoustical Carpenters (all zones)	7.24	.45	.45	.25	.03	
CEMENT MASONS:						
Cement masons	7.02	.30	.35	.15		
Machine operator; Mastic floor materials; Spark proofing; Scaffold (2040 ft.)	7.145	.30	.35	.15		
DRYWALL INSTALLERS:						
Taping, finishing and texturing (hand or machine)	7.96	.21	.20		.02	

AQ-1,017 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Appr. Tr.	Others
ELECTRICIANS:						
Zone 1						
Cache-Davis Counties (north of 41st parallel)-Weber County:						
Electricians	8.30	.30	1%		1%	
Cable splicers	8.55	.30	1%		1%	
Zone II						
Box Elder County (east 112.5° longitude)-Morgan County:						
Electricians	8.80	.30	1%		1%	
Cable splicers	9.05	.30	1%		1%	
Zone III						
Box Elder County (east of 112.5° longitude)-Rich County:						
Electricians	10.30	.30	1%		1%	
Cable splicers	10.55	.30	1%		1%	
*Electrical contracts not exceeding $35,000, Zone 1 rates shall apply.						
Salt Lake County and that portion of Davis County lying south of the 41st parallel; and that portion of Utah County lying north of the 40th parallel.						
10 miles East or West from Interstate Hwy. #15:						
Electricians	8.05	.25	1%		8/10%	
Cable splicers	8.30	.25	1%		8/10%	
Over 10 miles East or West from Interstate Hwy. #15:						
Electricians	8.55	.25	1%		8/10%	
Cable splicers	8.80	.25	1%		8/10%	
Remainder of State:						
Electricians	10.05	.25	1%		8/10%	
Cable splicers	10.30	.25	1%		8/10%	
ELEVATOR CONSTRUCTORS	7.23	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.51	.21		.69		
IRONWORKERS:						
Ornamental-Reinforcing-Fence Erector-Structural	7.53	.50	.65		.05	
LATHERS	6.39	.25	.40		.01	
LINE CONSTRUCTION:						
Cable splicers	7.72	.25	1%		½%	
Linemen	7.03	.25	1%		½%	
Line Equipment Operators	6.34	.25	1%		½%	
Groundmen	5.25	.25	1%		½%	
MARBLE SETTERS	5.35			b		

AQ-1,017 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Area North of 41st parallel:						
Brush	$5.84	.16	.13		.01	
Spray	6.04	.16	.12		.01	
Steeple jack work	6.24	.16	.12		.01	
Remaining part of State:						
Brush; Roller	6.02	.21	.18		.02	
Brush, Swing stage; Brush, steel and bridge; Spray; Sandblaster; Steeple jack; Wall covering hanger	6.27	.21	.18		.02	
Spray, Swing stage; Spray, steel; Bridge; Sandblaster, swing stage	6.52	.21	.18	.	.02	
PILEDRIVERMEN:						
Bridge, wharf, and dock carpenters, riggers, boom men	8.38	.45	.45	.25	.03	
PLASTERERS	7.56	.15	.20		.01	
PLUMBERS; Pipefitters:						
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	7.50	.36	.50		.04	
Zone 2 - Zone 1 plus 15 miles	7.80	.36	.50		.04	
Zone 3 - Zone 2 plus 15 miles	8.15	.36	.50		.04	
Zone 4 - All areas beyond Zone 3	9.00	.36	.50		.04	
REFRIGERATION AND AIR CONDITIONING:						
50 tons or over:						
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	7.50	.36	.50		.04	
Zone 2 - Zone 1 plus 15 miles	7.80	.36	.50		.04	
Zone 3 - Zone 2 plus 15 miles	8.15	.36	.50		.04	
Zone 4 - All areas beyond Zone 3	9.00	.36	.50		.04	
Under 50 tons:						
All Zones	6.45	.36	.50		.04	
ROOFERS	6.85	.15	.15			
SHEET METAL WORKERS	7.32	.31	.20		.02	
SOFT FLOOR LAYERS	6.90	.16	.12			
SPRINKLER FITTERS	8.30	.30	.50		.05	
TERRAZZO WORKERS	6.10			.20		
TILE SETTERS	6.10			.20		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 3 years' service and 2% basic hourly rate for 6 months to 3 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

b. Seven Paid Holidays A through F plus Washington's Birthday.

AQ-1,017 P. 4

UTAH-1-LAB-1-2-3-h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS That area in the State of Utah within 45 road miles of the county seats excluding Daggett County:						
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	5.055	.25	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.18	.25	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

AQ-1,017 P.5

UTAH-1-LAB-1-2-3-h (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Cont'd)						
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.305	.25	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS: Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.43	.25	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	5.78	.25	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	5.18	.25	.25	.15	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.28	.25	.25	.15	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	5.38	.25	.25	.15	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor; Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.48	.25	.25	.15	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	5.78	.25	.25	.15	.04	

AQ-1,017 P.6

UTAH-2-LAB-1-2-3-h)1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County:						
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.805	.25	.25	.15	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.93	.25	.25	.15	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

AQ-1,017 P. 7

UTAH-2-LAB-1-2-3-h (2-2)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$6.055	.25	.25	.15	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	6.18	.25	.25	.15	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	6.53	.25	.25	.15	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	5.98	.25	.25	.15	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	6.03	.25	.25	.15	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	6.13	.25	.25	.15	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	6.23	.25	.25	.15	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	6.53	.25	.25	.15	.04	

AQ-1,017 P. 8

Utah-12-PED-1-2-3-h (1-1)

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Assistant to Engineer (Oiler)	$7.05	.57	.725	.30	.10	
GROUP 2						
Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driven (100 KW)	7.36	.57	.725	.30	.10	
GROUP 3						
Compressors, Generators &/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.17	.57	.725	.30	.10	
GROUP 4						
Heavy Duty Repairman; Tractor Op.	8.29	.57	.725	.30	.10	
GROUP 4-A						
Combination Heavy Duty Repairman; Welder	8.52	.57	.725	.30	.10	
GROUP 5						
"A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes & Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	8.91	.57	.725	.30	.10	
GROUP 6						
Crawler Cranes & Truck Cranes (over 15 tons m.r.c.); Derricks (2 ops. required when swing engine remote from hoist); Highline Cableway Mobile; Universal Liebber & Tower Cranes (& similar types) (In the erection, dismantling & moving of equipment, there shall be an additional Operating Engineer); Two or more Drum Hoist	9.24	.57	.725	.30	.10	

AQ-1,017 P. 9
Utah-1A-PEO-1-2-3-h (1-2)

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
(a) Assistant to Engineer (Fireman, Oiler, Deckhand	$6.69	.57	.725	.30	.10	
(b) Compressor Operator (Electrically, gas or diesel powered, etc.)	6.96	.57	.725	.30	.10	
(c) Truck Crane Oiler	7.08	.57	.725	.30	.10	
GROUP 2						
(a) Operator of Tugger Hoist (Hoisting materials only)	7.59	.57	.725	.30	.10	
(b) Compressor Operator (2 to 6) (Electrically, gas or diesel powered); Generator Op. (electr (electrically, gas or diesel driven, 100 K.W.); Pump Op. (2 to 6); Welding Machine Op. (2 to 6) (Gas or diesel powered)	7.76	.57	.725	.30	.10	
GROUP 3						
"A" Frames; Deck Engineer; Fork Lift Operator; Self propelled Boom Type Lifting Device	8.00	.57	.725	.30	.10	
GROUP 3-A						
Heavy Duty Repairman and/or Welder	8.31	.57	.725	.30	.10	
GROUP 4						
Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating & Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to & incl. 1 cu. yd. rating; Truck Crane Op. (up to & incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	8.76	.57	.725	.30	.10	
GROUP 5						
Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Op. or steam powered crawler or Universal Type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons (Hoisting material or performing piledriving work)	$8.88	.57	.725	.30	.10	

AQ-1,017 P. 10
Utah-1-PEO 1-2-3-h (1-4)

AREA *

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
CHAINMAN; Rodman	6.01	.57	.725	.30	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Gradesetter - Repairman Helper - Field	6.26	.57	.725	.30	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	6.58	.57	.725	.30	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c. y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	6.74	.57	.725	.30	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	6.84	.57	.725	.30	.10	

AQ-1.017 P. 11

Utah-1-PEO 1-2-3- h (2-4)

AREA * Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	7.25	.57	.725	.30	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine (Ferault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller						

AQ-1.017 P. 12

Utah-1-PEO 1-2-3 h (3-4)

AREA * Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
Operator or self-propelled compactor	7.38	.57	.725	.30	.10	
GROUP VII-A						
SIDE BOOM OPERATOR: Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	7.48	.57	.725	.30	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (Including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - finegrader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	7.75	.57	.725	.30	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	7.80	.57	.725	.30	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunnite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	7.85	.57	.725	.30	.10	

AQ-1,017 P. 13

Utah-1-PEO 1-2-3 h (4-4)

AREA * Cont'd

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10.20 etc., (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y., up to and including 12 c.y. Struck MRC)	8.00	.57	.725	.30	.10	
GROUP XI						
• AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors; Tower Cranes Mobile	8.39	.57	.725	.30	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	9.25	.57	.725	.30	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	9.65	.57	.725	.30	.10	

AQ-1,017 P. 14

Utah-2-PEO 1-2-3-h (1-4)

AREA **

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I						
CHAINMAN; Rodman	$7.01	.57	.725	.30	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman - Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Gradesetter - Repairman Helper - Field	7.26	.57	.725	.30	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	7.58	.57	.725	.30	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	7.74	.57	.725	.30	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	7.84	.57	.725	.30	.10	

AQ-1,017 P. 15

Utah-2-PEO 1-2-3-h (2-4)

AREA ** Cont'd

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surfate Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	$8.25	.57	.725	.30	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine (Persult, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High-Lift (40 ft. or similar); Roller Operator or self-propelled compactor	8.38	.57	.725	.30	.10	

AQ-1,017 P. 16

Utah-2-PEO 1-2-3-h (3-4)

AREA ** Cont'd

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$8.48	.57	.725	.30	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Shear Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	8.75	.57	.725	.30	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	8.80	.57	.725	.30	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunite) Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	8.85	.57	.725	.30	.10	

AQ-1,017 P. 17

Utah-2-PEO 1-2-3-h (4-4)

AREA ** Cont'd

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X						
HIGH CABLEWAY OPERATOR (Signalmen required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10.20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$ 9.00	.57	.725	.30	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedman when required); Tandem Tractors; Tower Cranes Mobile	9.39	.57	.725	.30	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	10.25	.57	.725	.30	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	10.65	.57	.725	.30	.10	

AQ-1,017 P. 18

UTAH-1-TD-1-2-3-h (1-3)

AREA I *

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yds.	$6.50	.40	.30	.30		
8 yds. & less than 14 yds.	6.65	.40	.30	.30		
14 yds. & less than 35 yds.	6.80	.40	.30	.30		
35 yds. & less than 55 yds.	7.00	.40	.30	.30		
55 yds. & less than 75 yds.	7.20	.40	.30	.30		
75 yds. & less than 95 yds.	7.40	.40	.30	.30		
95 yds. & less than 105 yds.	7.60	.40	.30	.30		
Over 105 yds.	7.72	.40	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	6.325	.40	.30	.30		
Less than 10 tons	6.40	.40	.30	.30		
10 tons & less than 15 tons	6.55	.40	.30	.30		
15 tons & less than 20 tons	6.65	.40	.30	.30		
20 tons & over	6.80	.40	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						

AQ-1,017 P. 19

UTAH-1-TD-1-2-3-h (2-3)

AREA I * Cont'd TRUCK DRIVERS Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity & less	$6.525	.40	.30	.30		
Over 4½ yds. capacity to & incl. 6½ yds.	6.625	.40	.30	.30		
Over 6½ yds.	6.725	.40	.30	.30		
Concrete pumping trucks	6.725	.40	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	6.375	.40	.30	.30		
1200 to 2500 gals.	6.50	.40	.30	.30		
2500 to 4000 gals.	6.65	.40	.30	.30		
4000 to 6000 gals.	6.95	.40	.30	.30		
6000 gals. to less than 10,000	7.20	.40	.30	.30		
10,000 gals. to less than 15,000 gals.	7.45	.40	.30	.30		
15,000 gals. to less than 20,000 gals.	7.70	.40	.30	.30		
20,000 gals. to less than 25,000 gals.	7.95	.40	.30	.30		
Over 25,000 gals.	8.20	.40	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.20	.40	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	6.70	.40	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	6.70	.40	.30	.30		
Truck Driver Helper	6.275	.40	.30	.30		
Chauffeurs	6.275	.40	.30	.30		
Bunkers & Truck Loaders	6.40	.40	.30	.30		
Warehousemen (Counter Clerk)	6.45	.40	.30	.30		
Warehousemen	6.325	.40	.30	.30		
Washers, Greasers & Tiremen	6.475	.40	.30	.30		
Gas Station Attendants	6.275	.40	.30	.30		
Fork Lift (Over 6 tons)	6.80	.40	.30	.30		
Material Engineer	6.62	.40	.30	.30		

AQ-1,017 P. 20

UTAH-1-TD-1-2-3-h (3-3)

AREA I * Cont'd TRUCK DRIVERS Cont'd	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CONSTRUCTION JOB SERVICEMEN: (cont'd)						
Teamster Mechanic	$7.51	.40	.30	.30		
Teamster Mechanic helper	7.26	.40	.30	.30		
Teamster Welder	7.51	.40	.30	.30		
Teamster Driving Two Horses	7.275	.40	.30	.30		
Teamster Driving Three or More Horses	7.375	.40	.30	.30		
Sweeper or vacuum truck	6.65	.40	.30	.30		

AQ-1,017 P. 21
UTAH-2-TD-1-2-3-h (1-3)

AREA 2**	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS						
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers & Dumpcrete)						
Less than 8 yds.	$7.50	.40	.30	.30		
8 yds. & less than 14 yds.	7.65	.40	.30	.30		
14 yds. & less than 35 yds.	7.80	.40	.30	.30		
35 yds. & less than 55 yds.	8.00	.40	.30	.30		
55 yds. & less than 75 yds.	8.20	.40	.30	.30		
75 yds. & less than 95 yds.	8.40	.40	.30	.30		
95 yds. & less than 105 yds.	8.60	.40	.30	.30		
Over 105 yds.	8.72	.40	.30	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	7.325	.40	.30	.30		
Less than 10 tons	7.40	.40	.30	.30		
10 tons & less than 15 tons	7.55	.40	.30	.30		
15 tons & less than 20 tons	7.65	.40	.30	.30		
20 tons & over	7.80	.40	.30	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						

AQ-1,017 P. 22
UTAH-2-TD-1-2-3-h (2-3)

AREA 2**	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd)						
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall recieve $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity & less	7.525	.40	.30	.30		
Over 4½ yds. capacity to & including 6½ yds.	7.625	.40	.30	.30		
Over 6½ yds.	7.725	.40	.30	.30		
Concrete pumping trucks	7.725	.40	.30	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	7.375	.40	.30	.30		
1200 to 2500 gals.	7.50	.40	.30	.30		
2500 to 4000 gals.	7.65	.40	.30	.30		
4000 to 6000 gals.	7.95	.40	.30	.30		
6000 gals. to less than 10,000	8.20	.40	.30	.30		
10,000 gals. to less than 15,000 gals.	8.45	.40	.30	.30		
15,000 gals. to less than 20,000 gals.	8.70	.40	.30	.30		
20,000 gals. to less than 25,000 gals.	8.95	.40	.30	.30		
Over 25,000 gals.	9.20	.40	.30	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oiler Spreader Operator (on single man operation where boot man is not required)	8.20	.40	.30	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telecopic Manlift Truck	7.70	.40	.30	.30		
Fork Lift (under 6 tons) & Straddle Truck	7.70	.40	.30	.30		
Truck Driver Helper	7.275	.40	.30	.30		
Chauffeurs	7.275	.40	.30	.30		
Bunker & Truck Loaders	7.40	.40	.30	.30		
Warehousemen (Counter Clerk)	7.45	.40	.30	.30		
Warehousemen	7.325	.40	.30	.30		
Washers, Greasers & Tiremen	7.475	.40	.30	.30		
Gas Station Attendants	7.275	.40	.30	.30		
Fork Lift (Over 6 tons)	7.80	.40	.30	.30		
Material Engineer	7.62	.40	.30	.30		

AREA 2**

TRUCK DRIVERS (Cont'd)

CONSTRUCTION JOB SERVICEMEN: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Teamster Mechanic	8.51	.40	.30	.30		
Teamster Mechanic Helper	8.26	.40	.30	.30		
Teamster Welder	8.51	.40	.30	.30		
Teamster Driving Two Horses	8.275	.40	.30	.30		
Teamster Driving Three or More Horses	8.375	.40	.30	.30		
Sweeper or vacuum truck	7.65	.40	.30	.30		

UTAH
AREA DEFINITIONS
for
Truck Drivers & Operating Engineers

** AREA 2: All areas not included within Area 1 as defined below.

* AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the Northerly line of Township 36S, thence easterly along the northerly lines of Township 36S to the Northeast corner of Township 36S, Range 17W.

Thence Northerly to the N.W. corner of township 35S, range 16 W;
Thence Easterly to the N.E. corner of township 35S, range 16 W;
Thence Northerly to the N.W. corner of township 31S, range 15 W;
Thence easterly to the N.E. corner of township 31S, range 15 W;
Thence Northerly to the N.W. corner of township 26S, range 14 W;
Thence Easterly to the N.E. corner of township 26S, range 14 W;
Thence Northerly to the N.W. corner of township 25S, range 13 W;
Thence Easterly to the N.E. corner of township 25S, range 13 W;
Thence Northerly to the N.W. corner of township 24S, range 12 W;
Thence Easterly to the N.E. corner of township 24S, range 12 W;
Thence Northerly to the N.W. corner of township 19S, range 11 W;
Thence Easterly to the N.E. corner of township 19S, range 11 W;
Thence Northerly to the N.W. corner of township 17S, range 10 W;
Thence Easterly to the N.E. corner of township 17S, range 10 W;
Thence Northerly to the N.W. corner of township 16S, range 9 W;
Thence Easterly to the N.E. corner of township 16S, range 9 W;
Thence Northerly to the N.W. corner of township 15S, range 8 W;
Thence Easterly to the N.E. corner of township 15S, range 8 W;
Thence Northerly to the S.W. corner of township 7S, range 7 W;
Thence Westerly to the S.W. corner of township 7S, range 10 W;
Thence Northerly crossing the Salt Lake Base line to the N.W. corner of township 6N, range 10 W;
Thence Easterly to the N.W. corner of township 6N, range 8 W;
Thence Northerly to the N.W. corner of township 12 N, range 8 W;
Thence Easterly to the N.E. corner of township 12 N, range 8 W;
Thence Northerly along the Westerly line of range 7 W to the Utah/Idaho border
Thence Easterly along the Utah/Idaho border crossing the Salt Lake Meridian to the Intersection of the Utah/Idaho/Wyoming borders
Thence Southerly along the Utah/Wyoming Border
Thence Easterly along the Utah/Wyoming border to the Easterly line of range 11 E;
Thence Southerly along the East line of range 11 E, crossing the Salt Lake Base line to the N.E. corner of township 4S, range 11 E;
Thence Easterly to the N.W. corner of township 4S, range 18E;
Thence Northerly to the N.W. corner of township 1S, range 18 E;
Thence Easterly along the Salt Lake Base line to the N.E. corner of township 1 S, range 24 E;
Thence Southerly to the N.E. corner of township 3 S, range 24 E;
Thence Easterly along the Northern line of township 3S, to the Utah/Colorado border;

UTAH
AREA DEFINITIONS (Cont'd)
for
Truck Drivers & Operating Engineers (2-3)

Thence Southerly along the Utah/Colorado border, to the Southerly line of township 6 S;
Thence Westerly to the N.E. corner of township 7 S, range 23 E;
Thence Southerly to the S.E. corner of township 7 S, range 23 E;
Thence Westerly to the S.W. corner of township 7 S, range 20 E;
Thence Southerly to the S.E. corner of township 8 S, range 19 E;
Thence Westerly to the S.E. corner of township 8 S, range 16 E;
Thence Southerly to the S.E. corner of township 11 S, range 16 E;
Thence Westerly to the S.E. corner of township 11 S, range 14 E;
Thence Southerly to the S.E. corner of township 16 S, range 14 E;
Thence Westerly to the S.E. corner of township 16 S, range 12 E;
Thence Southerly to the S.E. corner of township 20 S, range 12 E;
Thence Westerly to the S.E. corner of township 20 S, range 8 E;
Thence Southerly to the S.E. corner of township 21 S, range 8 E;
Thence Westerly to the S.E. corner of township 21 S, range 6 E;
Thence Southerly to the S.E. corner of township 23 S, range 6 E;
Thence Westerly to the S.E. corner of township 23 S, range 5 E;
Thence Southerly to the N.E. corner of township 27 S, range 5 E;
Thence Easterly to the N.E. corner of township 27 S, range 7 E;
Thence Southerly to the S.E. corner of township 30 S, range 7 E;
Thence Westerly to the S.E. corner of township 30 S, range 4 E;
Thence Southerly to the S.E. corner of township 31 S, range 4 E;
Thence Westerly to the S.W. corner of township 31 S, range 4 E;
Thence Southerly to the S.E. corner of township 35 S, range 3 E;
Thence Westerly to the S.W. corner of township 35 S, range 3 E;
Thence Southerly to the S.E. corner of township 37 S, range 2 E;
Thence Westerly to the S.W. corner of township 37 S, range 2 E;
Thence Southerly to the S.E. corner of township 39 S, range 1 E;
Thence Westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 S, range 2 W;
Thence Southerly to the S.E. corner of township 41 S, range 2 W;
Thence Westerly to the S.E. corner of township 41 S, range 4 W;
Thence Southerly along the Easterly line of range 4 W, to the Utah/Arizona border;
Thence Westerly along the Utah/Arizona border to the S.W. corner of Utah;
Thence Northerly along the Utah/Nevada border to the point of beginning;

* * * * * * *

Commencing at the intersection of the Utah/Colorado border and the Southerly line of Township 34 S,
Thence Westerly to the S.W. corner of township 34 S, range 21 E;
Thence Northerly to the S.W. corner of township 29 S, range 21 E;
Thence Westerly to the S.W. corner of township 29 S, range 19 E;
Thence Northerly to the N.W. corner of township 23 S, range 19 E;
Thence Easterly to the N.W. corner of township 23 S, range 22 E;
Thence Northerly to the N.W. corner of township 21 S, range 22 E;
Thence Easterly to the N.E. corner of township 21 S, range 24 E;

Thence Southerly to the N.E. corner of township 31 S, range 24 E;
Thence Easterly along the Northerly line of township 31 S, to the Utah/Colorado border;
Thence Southerly along the Utah/Colorado border to the point of beginning.

NOTE: Truck Drivers, only - If any part of portion of any job or project falls within Area 2, then the Area 2 rate of pay will apply for all work done on said job or project. This means, all actual on-site work, such as dams, bridges, roads, etc., including barrow pits which may be located in Area 1.

[FR Doc.73-18296 Filed 8-30-73;8:45 am]

AGENCIES WHICH PUBLISHED IN AUGUST

This is a list of agencies which published documents in the Federal Register during August 1973. This list appears in the final issue of each month.

THE PRESIDENT

EXECUTIVE ORDERS

		Date
11732	Government National Mortgage Association	1
11733	Armed Forces Disability Retirement Pay	1
11734	National Medal of Science Committee	1
11735	Water Pollution Control	7
11736	Executive Pay Schedule	8

PROCLAMATIONS

4231	Columbus Day	16
4232	General Pulaski	16
4233	Leif Erikson	17
4234	Legal Secretaries	20
4235	Neighbor	20
4236	Women's Equality	20
4237	Citizenship Day and Constitution Week	27
4238	Agricultural Tariffs	29

MEMORANDA

June 29, 1973 Military Assistance to Latin America 3

EXECUTIVE AGENCIES

Agency for International Development 8, 14, 22, 24
Agriculture Department 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
Air Force Department 2, 6, 10, 13, 17, 21, 24
Alcohol, Tobacco, and Firearms Bureau 8, 13, 28, 31
Army Department 28
Atomic Energy Commission 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
Blind and Other Severely Handicapped, Committee for Purchase of Products and Services of 7, 17
Bonneville Power Administration 29
Census Bureau 29
Child Development Office 14
Civil Aeronautics Board 1, 2, 3, 6, 7, 8, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
Civil Rights Commission 6, 14, 15, 22, 31
Civil Service Commission 3, 6, 10, 13, 14, 15, 17, 20, 21, 22, 28, 29, 30, 31
Coast Guard 1, 3, 6, 10, 13, 16, 21, 24, 28, 31
Commodity Credit Corporation 1, 3, 10, 13, 15, 20, 21, 22, 23, 24, 27, 30
Commodity Exchange Authority 2, 15, 20, 21
Comptroller of Currency 13
Comptroller General 16
Consumer Product Safety Commission 3, 7, 20, 22, 29
Cost Accounting Standards Board 7
Cost of Living Council 1, 2, 3, 6, 7, 9, 10, 13, 14, 15, 16, 21, 22, 24, 27, 28, 30, 31
Customs Service 3, 8, 13, 14, 15, 16, 20, 22, 23, 24, 28, 29, 30
Defense Department 10, 13, 16, 17, 24, 29
Defense Supply Agency 13
Domestic and International Business Administration 1, 6, 7, 8, 10, 14, 15, 16, 17, 22, 24, 28, 29, 30
Drug Enforcement Administration 7, 13, 27
Education Office 2, 9, 10, 13, 14, 17, 20, 24, 27, 28, 30, 31
Employment Standards Administration 3, 10, 17, 24, 31
Energy Policy Office 13, 29
Engineers Corps 6, 8, 9
Environmental Protection Agency 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
Environmental Quality Council 1, 2, 9, 13, 14, 16, 24
Equal Employment Opportunity Commission 3
Export-Import Bank 9
Farm Credit Administration 21, 23
Farmers Home Administration 1, 8, 16, 22, 30
Federal Aviation Administration 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 23, 24, 27, 28, 29, 30, 31
Federal Bureau of Investigation 29
Federal Communications Commission 1, 2, 3, 6, 7, 10, 13, 14, 15, 16, 17, 20, 21, 23, 24, 28, 29, 31
Federal Contract Compliance Office 10
Federal Court Appellate System, Commission on Revision of 14, 20
Federal Crop Insurance Corporation 15, 31
Federal Deposit Insurance Corporation 1, 3, 6, 16, 22
Federal Disaster Assistance Administration 1, 13, 15, 22
Federal Highway Administration 7, 9, 14, 17, 20, 31
Federal Home Loan Bank Board 8, 10, 15, 21, 24, 28
Federal Housing Administration 20, 27
Federal Insurance Administration 2, 6, 7, 8, 13, 15, 16, 17, 21, 24, 27
Federal Labor Relations Council 24
Federal Maritime Commission 3, 7, 8, 10, 14, 15, 16, 17, 21, 22, 28, 29, 31
Federal Pay, Advisory Committee on 21
Federal Power Commission 2, 3, 6, 7, 8, 9, 10, 13, 15, 16, 17, 20, 21, 22, 23, 24, 27, 29, 31
Federal Prevailing Rate Advisory Committee 2
Federal Railroad Administration 9, 13, 14, 15, 16, 20, 27, 30
Federal Register Administrative Committee 1
Federal Reserve System 1, 2, 3, 6, 7, 8, 9, 13, 14, 16, 20, 21, 22, 23, 24, 28, 29, 30, 31
Federal Trade Commission 1, 3, 8, 9, 10, 13, 21, 30
Fiscal Service 15, 20, 22, 23, 24, 28
Fish and Wildlife Service 1, 2, 8, 9, 13, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
Food and Drug Administration 2, 3, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 23, 24, 27, 28, 29, 30
Food and Nutrition Service 1, 9, 13, 14, 21
Foreign Trade Zones Board 14
Forest Service 1, 2, 3, 6, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 29, 30
General Services Administration 2, 6, 7, 8, 13, 16, 17, 20, 21, 22
Geological Survey 10
Hazardous Materials Regulations Board 3, 10, 15, 22, 27
Health, Education, and Welfare Department 1, 3, 10, 13, 17, 23, 24, 28, 30
Health Resources Administration 10, 24
Health Services Administration 28
Housing and Urban Development Department 3, 6, 13, 16, 20, 31
Immigration and Naturalization Service 6, 15, 28
Indian Affairs Bureau 8, 15, 17
Interagency Classification Review Committee 23
Intergovernmental Personnel Policy, Advisory Council on 30
Interim Compliance Panel (Coal Mine Health and Safety) 1, 2, 3, 8, 9, 15, 21, 24, 31
Interior Department 2, 3, 6, 7, 9, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 29, 30, 31
Internal Revenue Service 3, 14, 20, 21, 22, 24, 29, 30
Interstate Commerce Commission 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
Interstate Land Sales Registration Office 1, 17, 23
Justice Department 8, 9, 24, 27, 29
Labor Department 15, 20, 24
Land Management Bureau 2, 6, 8, 9, 10, 14, 15, 17, 20, 21, 22, 23, 27, 28, 30, 31
Law Enforcement Assistance Administration 7, 30, 31
Management and Budget Office 16, 20
Manpower Administration 2, 14, 27
Maritime Administration 3, 6, 7, 10, 14, 16, 21, 23, 27, 28, 29
Mines Bureau 10
Mining Enforcement and Safety Administration 29

Date

National Advisory Committee on Oceans and Atmosphere 8
National Advisory Council for Drug Abuse Prevention 27
National Advisory Council on Education of Disadvantaged Children 10
National Advisory Council on Supplementary Centers and Services 9
National Aeronautics and Space Administration 8, 9, 16, 17, 22, 23, 28, 29
National Bureau of Standards 1, 3, 7, 21, 28
National Credit Union Administration 9, 28
National Endowment for Humanities 9, 14, 23
National Foundation on Arts 27
National Highway Traffic Safety Administration 1, 3, 14, 16, 20, 21, 22, 24, 27, 28
National Institute for Occupational Safety and Health 13, 16
National Institutes of Health 1, 9, 20, 29, 30, 31
National Mediation Board 6
National Oceanic and Atmospheric Administration 1, 6, 15, 16, 20, 21, 22, 29
National Park Service 2, 3, 7, 9, 10, 13, 16, 20, 23, 28
National Science Foundation 29, 30, 31
National Technical Information Service 1, 16, 29
National Transportation Safety Board 14, 22, 24
Navy Department 28, 29
Occupational Safety and Health Administration 1, 2, 7, 10, 16, 23, 28, 30
Oil and Gas Office 3, 17, 21
Packers and Stockyards Administration 6, 20
Patent Office 29
Pennsylvania Avenue Development Corporation 9
Pipeline Safety Office 6, 15, 23
Postal Rate Commission 29, 30
Postal Service 1, 7, 9, 10, 20
Public Buildings Service 6
Railroad Retirement Board 27
Reclamation Bureau 22, 24, 31
Revenue Sharing Office 21
Rural Electrification Administration 6, 24, 28, 30
Saint Lawrence Seaway Development Corporation 14, 15, 23
Securities and Exchange Commission 1, 2, 3, 7, 8, 9, 13, 15, 16, 20, 21, 22, 23, 27, 28, 29, 30, 31
Security and Consular Affairs Bureau 28
Selective Service System 3, 15
Small Business Administration 1, 6, 8, 9, 17, 20, 22, 24, 28, 30, 31
Social and Rehabilitation Service 8, 9, 14, 15, 16, 17, 20, 29
Social Security Administration 1, 6, 7, 8, 10, 14, 29
Soil Conservation Service 1, 3, 20
State Department 2, 3, 7, 10, 13, 15, 27, 28, 29
Tariff Commission 1, 3, 7, 10, 15, 17, 21, 24, 29, 30
Telecommunications Policy Office 24
Textile Agreements Implementation Committee 3, 7, 14, 16, 21, 28, 29, 30
Textiles Office 16
Transportation Department 1, 8, 9, 14, 20, 24, 30, 31
Treasury Department 2, 8, 10, 13, 14, 17, 23, 24, 28, 29, 30, 31
Veterans Administration 2, 3, 6, 10, 14, 20, 22, 23, 24, 27, 28, 31
Wage and Hour Division 3, 8, 9, 27, 30

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

Ch. 1 — 20435

3 CFR

EXECUTIVE ORDERS:

EO of July 2, 1910 (revoked in part by PLO 5379) — 22470
EO of July 22, 1913 (revoked in part by PLO 5379) — 22470
EO of August 22, 1919 (revoked in part by PLO 5379) — 22470
6143 (revoked in part by PLO 5374) — 21168
6276 (revoked in part by PLO 5374) — 21168
6583 (revoked in part by PLO 5374) — 21168
10122 (amended by EO 11733) — 20431
10400 (see EO 11733) — 20431
11287 (amended by EO 11734) — 20433
11548 (superseded by 11735) — 21387
11708 (amended by EO 11736) — 21387
11732 — 20429
11733 — 20431
11734 — 20433
11735 — 21243
11736 — 21387

PROCLAMATIONS:

863 (partially revoked by PLO 5378) — 22550
4231 — 22115
4232 — 22117
4233 — 22213
4234 — 22365
4235 — 22367
4236 — 22369
4237 — 22883
4238 — 23309

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of June 29, 1973 — 20805

4 CFR

PROPOSED RULES:

406 — 21276

5 CFR

210 — 22535
213 — 21170, 21621, 21776, 21933, 22215, 22378, 22465, 22535, 23312, 23395
451 — 22535
511 — 22536
534 — 22536
771 — 22960
1001 — 20817
2410 — 22765

6 CFR

102 — 21972
130 — 20461, 21170, 22790, 22961
140 — 20609, 21592, 21933, 22790
150 — 20462, 20463, 21170, 21592, 21933, 21978, 22119, 22536
152 — 23614
155 — 21981

PROPOSED RULES:

150 — 22797
152 — 23628

7 CFR Page

2 — 22955
6 — 23312
15 — 22465
26 — 21639
53 — 23312
70 — 22130
210 — 21777
215 — 20440, 21777
220 — 21777
225 — 21497, 21777
270 — 22465
271 — 21917, 22465
272 — 22466
301 — 21639, 22885
354 — 22466
409 — 21994, 23511
722 — 20840
777 — 22766
811 — 23317
814 — 23318
859 — 21268
876 — 22627
908 — 20609, 21171, 21498, 22130, 22629, 23395, 23511
910 — 20841, 22131, 22215, 22767
911 — 20840, 21642
915 — 21778
916 — 21389
917 — 20843, 21389
919 — 20842, 21778
924 — 21642
925 — 20842, 21643
926 — 21389, 21643
927 — 21171
928 — 21269
930 — 22131
931 — 22885, 23511
946 — 22885
947 — 21644
948 — 21779, 21995, 22215
967 — 22371
989 — 21390, 22132, 22886
993 — 22216, 22886, 22887
1050 — 22216
1421 — 20440, 21644, 22371, 22372, 22446, 22543, 22630, 23396
1427 — 21995, 22543, 22768
1446 — 22887
1473 — 20843, 21779
1822 — 20440
1872 — 22544

PROPOSED RULES:

29 — 22239
44 — 21416
52 — 21785, 22406, 22654, 22897
56 — 20896
301 — 21935
722 — 22560
910 — 22149
928 — 22240
929 — 22554
930 — 22897
931 — 21271, 21499
946 — 21648
948 — 22964
959 — 22240
981 — 29965, 22966
989 — 20898
991 — 22040

7 CFR—Continued Page

PROPOSED RULES—Continued

993 — 20899
1001 — 22803
1002 — 22559, 22803
1004 — 22803
1006 — 22803
1007 — 22803
1011 — 22803
1012 — 22803
1013 — 22803
1015 — 22803
1030 — 22803
1032 — 22803
1033 — 22803
1036 — 22803
1040 — 22803
1044 — 22803
1046 — 22803
1049 — 22803
1050 — 20626, 22803, 22965
1060 — 22803
1061 — 22803
1062 — 22803
1063 — 22803, 22965
1064 — 22803
1065 — 22803
1068 — 22803
1069 — 22803
1070 — 22803
1071 — 22803
1073 — 22803
1075 — 22803
1076 — 22803
1078 — 22803
1079 — 22803
1090 — 22803
1094 — 22803
1096 — 22803
1097 — 22803
1098 — 22803
1099 — 22803
1101 — 22803
1102 — 22803
1104 — 22803
1106 — 22803
1108 — 22803
1120 — 22803
1121 — 22803
1124 — 22803
1125 — 22803
1126 — 22803
1127 — 22803
1128 — 22803
1129 — 22803, 23535
1130 — 22803
1131 — 22803
1132 — 22803
1133 — 22803
1134 — 22803
1136 — 22803
1137 — 22803
1138 — 22803
1139 — 22803
1207 — 21499
1701 — 21181, 22803, 23413
1826 — 21417
1875 — 23412

8 CFR Page

212 — 21172
299 — 21995

PROPOSED RULES:

212 — 22964

9 CFR

71 — 22768
72 — 21996
73 — 21996
74 — 21996
75 — 20441
76 — 21173
82 — 21623, 21996
92 — 20610, 22466
94 — 20610, 20612
102 — 23512
105 — 23512
202 — 22379
203 — 21173
319 — 22621

PROPOSED RULES:

91 — 22040
304 — 22041
305 — 22041
317 — 21648, 22041, 23535

10 CFR

19 — 22217
20 — 22220, 22467
31 — 22220
34 — 22221
35 — 22221
40 — 21176, 22221
50 — 22221
55 — 22221
60 — 21644
70 — 22221
115 — 22221
150 — 22221

PROPOSED RULES:

50 — 22796
71 — 20482
115 — 22796

11 CFR

11 — 22202
14 — 22202
19 — 22202

12 CFR

217 — 20442, 23512
226 — 23513
329 — 20442, 20818, 22120, 22544
400 — 21582
401 — 21487
402 — 21489
404 — 21490
523 — 21391
545 — 21624
561 — 22955
563 — 22955
584 — 22769
613 — 22467
614 — 22467

PROPOSED RULES:

217 — 20470
225 — 21436, 22802
526 — 21651
545 — 21435, 22047
611 — 22646
612 — 22646
613 — 22646
614 — 22646
615 — 22646
618 — 22646
709 — 22982

13 CFR Page

121 — 20442, 21176

PROPOSED RULES:

102 — 23422
108 — 22983
121 — 22561, 22802, 23541

14 CFR

39 — 20443, 20612, 20818, 21391, 21624, 21625, 21917, 22223, 22621, 22770, 23513
71 — 20613, 20818, 21392–21394, 21492, 21625, 21779, 21917, 22030, 22120, 22121, 22224, 22622, 22770, 22771, 22888, 22957, 22981, 23322, 23396, 23513, 23514
73 — 21492, 21917, 21918, 22468, 23396
75 — 23396, 23397
95 — 22373
97 — 20818, 21492, 22121, 22622, 23397
121 — 21493, 22377
207 — 22771
208 — 22772
212 — 20613, 22772
239 — 21394
241 — 23399
378 — 21247
385 — 22546
431 — 22547
440 — 22547

PROPOSED RULES:

39 — 21936, 22042, 22634
71 — 21181, 21274, 21434, 21502, 21503, 21795–21797, 21937, 21938, 22043, 22243, 22492, 22634, 22795, 22900, 22901, 22981, 23337, 23338, 23419, 23536
73 — 21938, 23419
75 — 21274
93 — 23338
221 — 21274
298 — 22494
421 — 22561

15 CFR

30 — 23322
377 — 21177, 23322

16 CFR

4 — 23399
13 — 20444, 20446, 21396, 21625–21627, 22468, 22469, 23399, 23401
14 — 20820, 21494
303 — 21779
1700 — 21247

PROPOSED RULES:

1100 — 20902

17 CFR

0 — 22381
1 — 22031
211 — 21782
231 — 21782, 22121
240 — 21250
241 — 20820, 21782
249a — 21250
270 — 23324

PROPOSED RULES:

1 — 20626
16 — 22489
210 — 20470
230 — 20903
239 — 20470
240 — 20904
249 — 20470
259 — 20470

18 CFR Page

2 — 22372
3 — 23515
101 — 23332
104 — 23333
141 — 23334
154 — 23334
201 — 23334
204 — 23334
260 — 23335, 23515

PROPOSED RULES:

2 — 21182, 21652, 22898, 22900
3 — 21652
9 — 21652
141 — 22142
154 — 22898, 22900

19 CFR

1 — 22382, 22547
4 — 20821
7 — 22382
10 — 22548
11 — 22548
133 — 21396
145 — 22548
148 — 22548
153 — 22794, 22961

PROPOSED RULES:

1 — 22032
4 — 20895
6 — 20895
19 — 22554
24 — 20896
174 — 21785

20 CFR

405 — 23325
602 — 20614, 21920

PROPOSED RULES:

405 — 20466, 21437, 21936, 22980
416 — 21188
422 — 21271

21 CFR

1 — 20702, 20706, 20716, 20718, 22791
3 — 20708, 20717, 20718, 20723, 20725, 21397
5 — 20708
8 — 20714, 20715
11 — 20726
27 — 22889
80 — 20730, 20737
100 — 20740
102 — 20740, 20742
121 — 20725, 22794, 22889, 22890
122 — 22794, 20821, 21254, 21783, 21920, 21921, 21997, 22122, 22224, 22794
125 — 20708, 20717
128 — 21397
135 — 21178, 21397, 22622
135a — 20821, 21255, 21997, 22469, 22623
135b — 20821, 20822, 21179, 22623, 22791, 22792
135c — 22082–20823, 21255, 22792, 22793, 22958
135e — 21921, 22224, 22623
135g — 22623
141 — 21397
141b — 21255
141d — 21255
141e — 21256
144 — 21398
146d — 21256
148 — 21256
148n — 21257

21 CFR—Continued Page

150g ... 21397
151c ... 21257, 22792, 22793
278 ... 21262
295 ... 21264

PROPOSED RULES:

1 ... 20745
3 ... 21271
10 ... 21499
18 ... 20627
19 ... 22408
20 ... 20745
21 ... 20745
25 ... 22490
27 ... 22408
102 ... 20746, 20748
121 ... 22041, 22241
125 ... 20749
130 ... 21935
141b ... 21500
141c ... 21500
141e ... 21500
146b ... 21500
146c ... 21500
146e ... 21500
148i ... 21500
148n ... 21500
301 ... 21271
311 ... 21271

22 CFR

205 ... 22549
214 ... 21398

PROPOSED RULES:

42 ... 22963

24 CFR

203 ... 22891
207 ... 22891
213 ... 22891
220 ... 22891
221 ... 22891
232 ... 22892
234 ... 22892
235 ... 22892
236 ... 22892
241 ... 22892
242 ... 22892
275 ... 22383
1000 ... 22892
1100 ... 22892
1914 ... 20616, 21180, 21264, 21402, 21743–21745, 21998, 22123, 22226, 22471, 22773–22775, 22893
1915 ... 21745, 21999, 22776

PROPOSED RULES:

135 ... 20906
200 ... 22415

25 CFR

43h ... 21403, 22227

PROPOSED RULES:

243 ... 22034

26 CFR

1 ... 20823, 20826, 21918, 22471, 22549

PROPOSED RULES:

1 ... 22795

28 CFR

0 ... 21404, 21495, 22863, 23311
17 ... 22777
42 ... 23516

29 CFR Page

40 ... 22778
608 ... 23402
609 ... 23403
1601 ... 20829
1903 ... 22623
1952 ... 21628

PROPOSED RULES:

724 ... 21505
725 ... 21505
1201 ... 21186
1203 ... 21186
1207 ... 21186
1910 ... 22141, 22631, 22967, 23038, 23490
1913 ... 23413
1915 ... 22632
1916 ... 22632
1917 ... 22632
1918 ... 22632
1927 ... 22141

30 CFR

55 ... 23380
56 ... 23380
57 ... 23381

PROPOSED RULES:

55 ... 23383
56 ... 23384
57 ... 23385

31 CFR

223 ... 22779
260 ... 22373
332 ... 22549

PROPOSED RULES:

202 ... 22963
203 ... 22963
209 ... 22032
214 ... 22963

32 CFR

870 ... 21147, 21746
901 ... 22471
901b ... 22471
903 ... 22471
2000 ... 22624

32A CFR

PROPOSED RULES:

Ch. X:
OI Reg. 1 ... 22237, 22489
Ch. XIII:
EPO Reg. 1 ... 21797
Ch. XVIII:
EPO Reg. 2 ... 23339

33 CFR

117 ... 21631
127 ... 20831, 22123, 22778
204 ... 21495
207 ... 21404
401 ... 21921, 22030, 22626

PROPOSED RULES:

90 ... 20467
110 ... 22795
117 ... 21649, 21650, 22491
127 ... 22980
160 ... 21228

36 CFR

7 ... 20831, 21264
221 ... 23403
231 ... 22000

PROPOSED RULES:

7 ... 20896, 22633, 22634, 22968

38 CFR Page

3 ... 20831, 21923
25 ... 22779
36 ... 20615, 20832, 23519

PROPOSED RULES:

1 ... 22904
3 ... 21188, 21946, 22561, 22650, 22986
17 ... 22904
21 ... 23541

39 CFR

113 ... 21496
124 ... 21496
141 ... 22383
142 ... 22384
144 ... 22385
154 ... 22385
162 ... 21496
226 ... 21264

40 CFR

2 ... 22472
35 ... 22524
51 ... 20832, 22025
52 ... 20835, 21918, 22473, 22736
85 ... 21348, 21362, 22474
105 ... 22756
122 ... 22893
133 ... 22298
180 ... 21783, 22123, 22124, 22475, 22893, 22894, 23403, 23404
1500 ... 20550, 21265
1510 ... 21888

PROPOSED RULES:

30 ... 21342
35 ... 21342
39 ... 22635
52 ... 20469, 20752, 20758, 20766, 20769, 20779, 20789, 20851, 21505, 21803, 22045, 22419, 22495, 23340
162 ... 22636
180 ... 21435, 22897
202 ... 20852
401 ... 22606
409 ... 22610
426 ... 22606

41 CFR

1–12 ... 21404
1–16 ... 21405
1–18 ... 21405
4–4 ... 21631
5A–1 ... 22124, 22475
5A–3 ... 22475
5A–16 ... 22476
5A–76 ... 22476
6–1 ... 22894
6–6 ... 22894
6–7 ... 22895
8–6 ... 21924
14–1 ... 21157, 21496, 22476
14–7 ... 21496
14–12 ... 21157
15–1 ... 21497
15–3 ... 20836
15–16 ... 21157
15–30 ... 20836, 20837
18–1 ... 23327
18–2 ... 23328
18–5 ... 23331
60–10 ... 21633
101–32 ... 22227, 22476
101–39 ... 22229
109–40 ... 22549

41 CFR—Continued Page

114-35 ... 22373
114-45 ... 20617

PROPOSED RULES:

12-9 ... 23536
15-60 ... 22637
50-201 ... 22408
114-51 ... 20617

42 CFR

37 ... 21784, 22122
57 ... 20447

PROPOSED RULES:

51 ... 20994
54b ... 22968
57 ... 23414
81 ... 20994, 22242

43 CFR

4 ... 21162
17a ... 21162
3110 ... 22230
4110 ... 22003, 23519
4120 ... 22003
4700 ... 22003

PROPOSED RULES:

6 ... 22036
1820 ... 22967
3000 ... 21416
3200 ... 21416
3860 ... 22897
9180 ... 22897

PUBLIC LAND ORDERS:

1726 (see PLO 5853) ... 22551
3965 (partially revoked by PLO 5377) ... 22550
5158 ... 22470
5342 ... 22470
5354 ... 22002
5355 ... 22002
5362 ... 22002
5372 ... 21167
5373 ... 21168
5374 ... 21168
5375 ... 22550
5376 ... 22550
5377 ... 22550
5378 ... 22550
5379 ... 22470
5380 ... 22550
5381 ... 22551
5382 ... 22551
5383 ... 22551
5384 ... 22552
5385 ... 22552
5386 ... 22625

45 CFR

5 ... 22230
205 ... 22007
206 ... 22009

45 CFR—Continued Page

233 ... 22010, 23337
124 ... 21788
129 ... 21924
185 ... 21646
249 ... 21413

PROPOSED RULES:

67 ... 20465
205 ... 21936, 22042, 22141
249 ... 21936
250 ... 21936, 22242, 22415
405 ... 21936

46 CFR

10 ... 22787, 22788
12 ... 22787
31 ... 22787
71 ... 22787
72 ... 20448
91 ... 22787
92 ... 20448
105 ... 22787
111 ... 22788
160 ... 21784
175 ... 22787
176 ... 22787
187 ... 22787
188 ... 22787
189 ... 22787
190 ... 20448
294 ... 20807

PROPOSED RULES:

146 ... 23535
160 ... 22492, 22980
526 ... 23540
531 ... 21941, 22244
536 ... 21941, 22244
538 ... 22495
542 ... 21941

47 CFR

1 ... 22225
2 ... 20436, 20618, 22385
23 ... 22477
73 ... 20619, 20620, 21169, 21265, 21927, 21929, 22010, 22012, 22385, 22789
76 ... 20439
81 ... 23520
83 ... 22958, 23520
87 ... 21169, 22226, 23520
89 ... 20436, 22014, 22385
91 ... 20437, 22014, 22385
93 ... 20439, 22015, 22385

PROPOSED RULES:

73 ... 20469, 20627, 21651, 21940
95 ... 22046

49 CFR

1 ... 20449, 21413, 21930
85 ... 22388, 22789
171 ... 21990
172 ... 20838

49 CFR—Continued Page

173 ... 20838, 21990, 22552
178 ... 20839, 21990, 22552
213 ... 23405
392 ... 23520
393 ... 23520
571 ... 20449, 21930, 22125, 22390, 22397, 22790, 22958
572 ... 20449
1006 ... 21932
1033 ... 20621, 20622, 20840, 21170, 21414, 21638, 22398, 22482, 22552, 22625, 22790
1059 ... 21932
1107 ... 20623, 22125
1203 ... 21746
1300 ... 21932
1304 ... 21933
1307 ... 21933
1308 ... 21933
1309 ... 21933

PROPOSED RULES:

85 ... 23419
173 ... 22901
177 ... 22901
192 ... 21182, 22044
195 ... 21182
Ch. II ... 21503
217 ... 21797, 22043
221 ... 22417
390 ... 22244
391 ... 22244
392 ... 22244
393 ... 22244
394 ... 22244
395 ... 22244
396 ... 22244
397 ... 22244
571 ... 22417, 22493, 22904
575 ... 21939
581 ... 20899, 22492
1107 ... 21436
1201 ... 21436
1241 ... 22650
1310 ... 20852, 22654

50 CFR

1 ... 22015
10 ... 22015
20 ... 20456, 22021, 22626, 22896, 23312, 23524
28 ... 20624, 22482
32 ... 20461, 20624, 20625, 21414, 21415, 21497, 21776, 22024, 22025, 22125-22129, 22234, 22235, 22398, 22399, 22483, 22487, 22488, 22553, 22626, 22790, 22896, 22959, 23311, 23405-23410, 23532, 23533
33 ... 22236, 22959, 23411
240 ... 22399

PROPOSED RULES:

18 ... 22143, 22967
19 ... 22967
32 ... 22036
216 ... 22133, 22490

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*
20423-20601	Aug. 1
20603-20798	2
20800-21139	3
21141-21235	6
21237-21380	7
21381-21479	8
21481-21613	9
21615-21735	10
21737-21909	Aug. 13
21911-21965	14
21967-22108	15
22109-22205	16
22207-22358	17
22359-22457	20
22459-22527	21
22529-22614	22
22615-22758	Aug. 23
22759-22876	24
22877-22947	27
22949-23301	28
22303-23388	29
23389-23503	30
23505-23763	31

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HARRY S. TRUMAN

1945	$5.50	1949	$6.75
1946	$6.00	1950	$7.75
1947	$5.25	1951	$6.25
1948	$9.75	1952–53	$9.00

DWIGHT D. EISENHOWER

1953	$6.75	1957	$6.75
1954	$7.25	1958	$8.25
1955	$6.75	1959	$7.00
1956	$7.25	1960–61	$7.75

JOHN F. KENNEDY

1961	$9.00	1962	$9.00
1963	$9.00		

LYNDON B. JOHNSON

1963–64 (Book I)	$6.75	1966 (Book I)	$6.50
1963–64 (Book II)	$7.00	1966 (Book II)	$7.00
1965 (Book I)	$6.25	1967 (Book I)	$8.75
1965 (Book II)	$6.25	1967 (Book II)	$8.00
1968–69 (Book I)	$10.50		
1968–69 (Book II)	$ 9.50		

RICHARD NIXON

1969	$14.50	1970	$15.75
1971	$15.75		

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402