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PROCLAMATION 4264

National Nurse Week, 1974

By the President of the United States of America

A Proclamation

America has always honored those who serve society as nurses. In recent years, however, we have come to appreciate more than ever the complex and expanding role which nurses play in our health care system. Increasingly, the high quality of our nursing profession is making it possible for more Americans to enjoy better health services.

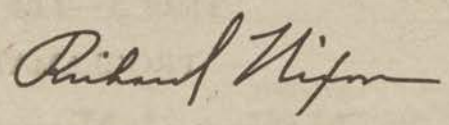
As medical science makes new discoveries, nursing skills in turn must become more sophisticated and more highly specialized. In out-of-hospital settings, nurses in increasing numbers are assuming primary care roles as specialized nurse practioners. Graduates of pediatric nurse practitioner programs are independently caring for a high percentage of children receiving care in metropolitan health clinics and private medical practice. Visiting nurses, with highly specialized skills in the prevention of illness and accidents and in the assessment and treatment of chronic conditions, are making it possible for even very frail elderly people to go on residing in their own homes. Nurses trained in intensive coronary care are saving lives of patients who develop lethal disturbances of heart rhythm. Nurses engaged in research projects have helped to improve our understanding in many areas, including the rehabilitation of stroke patients, the care and prevention of pulmonary disease, cancer nursing, ways to help ambulatory patients, and illnesses that result in absence from school.

For their dedication and for their constantly expanding skills, which are doing so much to improve the health of America, nurses merit the highest measure of personal and professional regard.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of February 10 through February 16, 1974, as National Nurse Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials

of other areas subject to the jurisdiction of the United States, to issue similar proclamations.

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



[FR Doc.74-3345 Filed 2-6-74;2:29 pm]

PROCLAMATION 4265

National Port Week, 1974

By the President of the United States of America

A Proclamation

In providing services to promote the expansion of United States exports, our commercial ocean and inland ports play a central role in improving our balance of trade. The building of World Trade Centers in several ports and the establishment of trade promotion offices in major manufacturing areas are among the methods employed by United States ports to encourage export expansion.

Over 1.6 billion tons of commerce in our foreign and domestic waterborne trades moved through our port gateways in 1972. The foreign portion of this total was valued at more than $47 billion. The many and varied port handling activities required to service this vast trade volume alone generate about $30 billion in direct dollar income to local and regional economies served by United States ports. This amount serves to stimulate an even greater economic chain of indirect revenues as these dollars are spent throughout the national economy.

Other statistics also help to demonstrate the central role of port facilities in the American economy. Public and private port interests have invested over $5 billion in cargo handling facilities since the end of World War II. Port-generated activities now provide employment for well over 1.2 million people—accounting for about $12 billion in wages each year. A total of over $32 billion a year is being poured into the American economy directly and indirectly by waterfront activities in our national port system.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in order to remind Americans of the importance of the port industry of the United States to our national life, do hereby designate the week beginning on the last Sunday in September as National Port Week. I ask that public attention be directed to the important role our Nation's ports play in the American economy through appropriate activities and ceremonies. I also ask that all ships in United States ports during that week dress ship in tribute to our port industry.

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

Richard Nixon

[FR Doc.74-3346 Filed 2-6-74;2:30 pm]

Rules and Regulations

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

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

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 155—PHASE IV PRICE PROCEDURAL REGULATIONS

The purpose of this amendment is to conform § 155.121 to reflect amendments made to Cost of Living Council Order No. 37 on January 11, 1974. The purpose of the amendments to Order No. 37 was to permit the Internal Revenue Service to compromise and collect civil penalties in all cases except those involving providers of health services under Subparts O and R of Part 150, insurers and rating bureaus subject to Subpart M, and in such other cases as the Council may direct. Previously, the authority of the IRS to compromise cases was limited to cases involving price category III firms and late filing cases.

Prior to this amendment, the separate and limited authority of the IRS with respect to compromise of civil penalities was set forth in § 155.121(b) while the retained authority of the Council was described in § 155.121(c). In view of the broad scope of the compromise authority which the IRS now exercises under the amended delegation of authority, both paragraphs (b) and (c) of § 155.121 may be deleted in their entirety. It is not necessary that the few remaining limitations on the compromise authority of the IRS be stated in the procedural regulations.

Because the purpose of this amendment is to provide immediate guidance with respect to decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, FR 1489.)

In consideration of the foregoing, Part 155 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective February 5, 1974.

Issued in Washington, D.C., on February 5, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. Section 155.121 is amended to read as follows:

§ 155.121 Purpose and scope.

Under section 208(b) of the Economic Stabilization Act of 1970, as amended, whoever violates an order or regulation issued by the Council (or an order or regulation by the Price Commission during the time that such order or regulation was or is in effect) under that Act is subject to a civil penalty of not more than $2,500 for each violation. This subpart prescribes procedures governing the compromise and collection of those civil penalties which the Council considers appropriate or advisable to settle through compromise.

[FR Doc.74–3330 Filed 2–6–74;1:32 pm]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Executive Assistant to the Deputy Secretary and Administrator, Federal Energy Office, Office of the Secretary is excepted under Schedule C.

Effective on February 8, 1974, § 213.3305(a)(50) is added as set out below.

§ 213.3305 Treasury Department.

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

(50) Executive Assistant to the Deputy Secretary and Administrator, Federal Energy Office.

* * * * *

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

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

[FR Doc.74–3395 Filed 2–7–74;11:14 am]

Title 7—Agriculture

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

[Navel Orange Regulation 311]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 8–14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.611 Navel Orange Regulation 311.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was mostly steady last week. Prices f.o.b. averaged $3.77 a carton on a reported sales volume of 1,150 carlots last week, compared with an average f.o.b. price of $3.68 per carton and sales of 1,021 carlots a week earlier. Track and rolling supplies at 693 cars were up 161 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening be-

tween the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 5, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 8, 1974, through February 14, 1974, are hereby fixed as follows:

(i) District 1: 1,395,000 cartons;

(ii) District 2: 155,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 6, 1974.

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

[FR Doc.74-3363 Filed 2-7-74;8:45 am]

[Lemon Regulation 625]

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 Feb. 10–16, 1974. 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.

§ 910.925 Lemon Regulation 625.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier, with sales for the first two days of the current week down 20 to 25 percent. Average f.o.b. price was $5.34 per carton the week ended February 2, 1974 compared to $5.49 per carton the previous week. Track and rolling supplies at 125 cars were down 17 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current work, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 5, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 10, 1974, through February 16, 1974, is hereby fixed at 190,000 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: February 7, 1974.

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

[FR Doc.74-3416 Filed 2-7-74;11:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart O—Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities

GRANT PROVISIONS

Subpart O of 7 CFR Part 1823 (39 FR 3814, January 30, 1974), is amended by providing that grant funds will not exceed 25 percent of total project costs. It further requires as a condition for a grant for a waste disposal project that failure to make the grant would result in the community losing an existing business or industry or the state or local health officer has stated in writing that pollution problems are so great that the local water supply cannot now be used for human consumption; and that a written statement be furnished from the state pollution control agency indicating that the applicant will not receive an Environmental Protection Agency grant.

Inasmuch as it is necessary for the FHA to proceed with the making of needed grants and not deprive the public of immediate benefits, it is unnecessary and would be contrary to the public interest to delay the program by publishing notice of proposed rulemaking as provided by 5 U.S.C. 553 (b) and (c).

As amended § 1823.467 reads as follows:

§ 1823.467 Application Processing.

* * * * *

(c) *Grant Limitations.* (1) * * *

* * * * *

(xii) Develop waste disposal projects unless the following conditions exist:

(A) Failure to make the grant would result in the community losing an existing business or industry, or the state or local health officer has stated in writing that pollution problems are so great that the local water supply cannot now be used for human consumption.

(B) Written statement furnished FHA from the state pollution control agency indicating that the applicant will not receive an Environmental Protection Agency grant for this project within the next 18 months.

(2) An FHA development grant may not be made in excess of 25 percent of the total project cost.

* * * * *

(7 U.S.C. 1989; delegtaion of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This amendment is effective February 8, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-3237 Filed 2-7-74;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Exemption for Facilities Processing Irradiated Materials Containing Limited Quantities of Special Nuclear Material

Subsection 11 v. of the Atomic Energy Act of 1954, as amended, defines "production facility," as "(1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; * * *"

The Atomic Energy Commission has by rule defined a "production facility," as, among other things, any facility designed or used for the processing of irradiated materials containing special nuclear material except laboratory scale facilities designed or used for experimental or analytical purposes, facilities which process slightly irradiated uranium containing relatively small amounts of fission products and low levels of fission product activity, and facilities licensed under Parts 30 and 70, or equivalent regulations of an Agreement State, in which irradiated material is processed on a batch basis for the separation of selected fission products and where not more than 15 grams of special nuclear material constitute a process batch. (10 CFR 50.2(a)(3)(iii)).

By letter dated June 15, 1973, PRM-50-7, General Electric Company, Vallecitos Nuclear Center, Pleasanton, California, petitioned the Commission to amend the exception to the definition of "production facility" set out in § 50.2(a)(3)(iii). The exception in § 50.2(a)(3)(iii) applies to facilities in which processing of irradiated materials containing special nuclear material is conducted pursuant to a license issued under Parts 30 and 70 of the Commission's regulations, or equivalent regulations of an Agreement State, which authorizes the processing of irradiated special nuclear material on a batch basis for the separation of selected fission products and limits the process batch to "not more than 15 grams of special nuclear material." The petitioner requested that the process batch limit be changed to "not more than 100 grams of special nuclear material."

The Commission has concluded that the relatively modest increase, up to 100 grams, in the batch sizes of special nuclear material, specifically uranium enriched in the isotope 235, would not alter, materially, the radiation hazards involved for this type of operation and that no additional safety precautions are required beyond those imposed by Commission licensing and regulation of the use of the byproduct and special nuclear material under 10 CFR Parts 30 and 70 or equivalent regulations of an Agreement State. Accordingly, the Commission has adopted the amendment set out below which changes the batch limit in § 50.2(a)(3)(iii) to "not more than 100 grams of uranium enriched in the isotope 235 and not more than 15 grams of any other special nuclear material." Inasmuch as the amendment set forth below is of a minor nature, good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50, is published as a document subject to codification.

Section 50.2(a)(3)(iii) of 10 CFR Part 50 is revised to read as follows:

§ 50.2 Definitions.

* * * * *

(a) * * *

(3) * * * (iii) facilities in which processing is conducted pursuant to a license issued under Parts 30 and 70 of this chapter, or equivalent regulations of an Agreement State, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fission products and limits the process batch to not more than 100 grams of unranium enriched in the isotope 235 and not more than 15 grams of any other special nuclear material.

* * * * *

Effective date. The foregoing amendment becomes effective on February 8, 1974.

(Sec. 161, Public Law 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Bethesda, Maryland this 4th day of January 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-3252 Filed 2-7-74;8:45 am]

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Allocation of Crude Oil

Correction

In FR Doc. 74-2601 appearing at page 3908 of the issue of Wednesday, January 30, 1974, the definitions amended in § 211.62 should read as set forth below:

§ 211.62 Definitions.

* * * * *

"Refiner-buyer" means any refiner whose supply/capacity ratio is below the national supply/capacity ratio and who is given the opportunity to purchase crude oil during a crude oil sales period under this subpart.

* * * * *

"Refiner-seller" means any refiner whose supply/capacity ratio is above the national supply/capacity ratio and who is required to sell crude oil pursuant to the operation of this subpart.

* * * * *

Title 15—Commerce and Foreign Trade

CHAPTER X—OFFICE OF FOREIGN DIRECT INVESTMENTS, DEPARTMENT OF COMMERCE

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Termination of Foreign Direct Investment Restrictions

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. All section references, unless otherwise indicated, are to a section of the regulations. The abbreviation "DI" is used to refer to "direct investor", and the abbreviation "AFN" is used to refer to "affiliated foreign national".

The Office of Foreign Direct Investments (the "Office") announced January 29, 1974 that the foreign direct investment controls administered by the Office were terminated effective immediately. (The announcement is published in the notices section of today's FEDERAL REGISTER, p. 4935.) The Office also announced the rescission of the controls on repayment of long-term foreign borrowing which were announced on December 26, 1973 and published in the FEDERAL REGISTER on December 28, 1973 (38 FR 35452). Notice is hereby given that the Office has adopted certain amendments

to the regulations, implementing the decision ending the foreign direct investment controls, permitting DIs to forego borrowing for purposes of 1973 compliance, ending the liquid foreign balance controls, and making certain other conforming adjustments to the regulations affecting transactions prior to January 1, 1974. These amendments shall be effective February 8, 1974, and shall apply to all affected transactions on or after January 1, 1974. In that these amendments relieve restrictions and in that it is important that DIs be able to rely immediately thereon, it is deemed that publication in proposed form is unnecessary and impracticable and that there is good cause to make the amendments effective immediately.

1. *Section 201; revocation of prohibition on positive direct investment in AFNs.* Section 201(a), which prohibits positive direct investment by a direct investor in AFNs in Schedule A, B, and C countries during any year except as otherwise authorized by the Secretary, is hereby revoked. Section 1 of Executive Order 11387 prohibits any person subject to the jurisdiction of the United States who owns a 10-percent interest in a foreign business venture from engaging in any transaction involving a transfer of capital to any foreign country or foreign national. Section 201(b)(1) authorizes all transactions prohibited by section 1 of the Executive Order which are not otherwise prohibited by the regulations. A clarifying amendment to § 201(b)(1), promulgated herewith, specifies that such authorization is not limited by any other provision of the regulations.

As a result of the revocation of the § 201(a) prohibition and the revocation of the exclusion from authorization of § 501(c), also promulgated herewith, all transactions prohibited by section 1 of the Executive Order, including transactions which in the aggregate would constitute positive direct investment, are now authorized. Thus, although the Executive Order itself remains in effect, all controls on foreign direct investment imposed by and pursuant to the Order are no longer in force.

2. *Section 203(c); revocation of liquid foreign balance limit.* Section 203(c), which limits the holding of liquid foreign balances, is hereby revoked.

3. *Section 501(c); revocation of limitation on repayment of long-term foreign borrowing.* Section 501(c), which excludes from authorization any transaction which would constitute repayment of long-term foreign borrowing expended in or allocated to positive direct investment, is hereby revoked.

4. *Section 501(a); transactions affecting compliance with the regulations prior to January 1, 1974.* To avoid requiring DIs to make long-term foreign borrowing after the effective date of termination of the Foreign Direct Investment Program, the Office hereby authorizes all 1973 positive direct investment in excess of any amount otherwise authorized. A new proviso to § 501(a) authorizes such excess positive direct investment in 1973 as provided in new paragraph (a)(1) of the section. Therefore DIs planning to utilize the two-month grace period in 1974 to make long-term foreign borrowing for purposes of allocation of available proceeds thereof to 1973 positive direct investment may forego such borrowing.

DIs are otherwise required to comply with the restrictions on positive direct investment and liquid foreign balances for periods prior to January 1, 1974. Thus, some adjustment in the regulations is necessary to prevent transactions, such as repayment of long-term foreign borrowing, validly undertaken after January 1, 1974 pursuant to the now unlimited authorization of § 201(b)(1), from causing retroactive invalidation of prior measures taken by DIs for purposes of pre-1974 compliance. The new proviso to § 501(a) specifies that, commencing January 1, 1974, no transaction described in paragraphs (a)(2) or (a)(3) shall be retroactively invalidated.

Section 501(a)(2) provides that no allocation of available proceeds of long-term foreign borrowing under § 203(d)(2), § 203(d)(3), or § 306(e)(1) shall be retroactively disqualified notwithstanding that, on or after January 1, 1974, the allocated proceeds are held, directly or indirectly, in the form of foreign balances, in the form of securities of foreign nationals, or in the form of foreign property. Additionally, to prevent the retroactive disqualification of a borrowing repaid within 12 months, for purposes of allocation under § 306(e)(1), or the holding of liquid foreign balances under § 203(c)(1), § 501(a)(3) provides that a foreign borrowing or proceeds borrowing repaid on or after January 1, 1974 shall constitute long-term foreign borrowing notwithstanding § 324(a)(2), or shall constitute proceeds borrowing notwithstanding § 1401(e).

5. *Enforcement of the regulations as in effect for 1973 and prior years.* Although new § 501(a)(1) effectively relieves DIs of 1973 year-end compliance requirements with respect to the restrictions on positive direct investment, the liquid foreign balance limits in effect in 1973 will be fully enforced. Moreover, nothing contained in these amendments or in this notice may be construed to relieve a DI of any compliance penalty imposed or any settlement entered by the Office. Any power to reopen, in the public interest, a compliance settlement, reserved by the Office by a letter issued pursuant to § 1025.211(d)(2) of the rules of practice and general procedures, is preserved. A DI may request advice of the Office with respect to the status of any compliance penalty or settlement involving such a DI entered into prior to the effective date of these amendments by writing the Director, Compliance Division, Office of Foreign Direct Investments, P.O. Box 3619, Washington, D.C. 20007 (Tel. (202) 343–7321).

The Office will retain a compliance, auditing, and reports capability which will be utilized to monitor and enforce compliance with the regulations as in effect prior to termination of the restrictions on foreign direct investment and liquid foreign balances. The Office's rules of practice and general procedures contained in Parts 1020, 1025, 1030, 1035, 1040, and 1050, as well as other provisions of the regulations relating to compliance and enforcement, remain in effect. Section 601, which requires DIs to retain certain records relating to transactions under the regulations, and § 602, which empowers the Office to require certain reports of DIs, also remain in effect. DIs will be required to submit reports regarding compliance with the regulations in 1973. However, the Office will issue simplified reporting forms in the near future for use in gathering economic statistical information on the current and future foreign investment activities of DIs.

The text of the amendments is as follows:

a. Section 201(a) is revoked and § 201(b)(1) amended to read as follows:

§ 1000.201 Prohibited direct investment in affiliated foreign nationals.

(a) [Revoked]

(b)(1) All transactions prohibited by section 1 of Executive Order 11387 which are not prohibited by this part are hereby authorized, notwithstanding any limit of any authorization contained in this part.

* * * * *

b. Section 203(c) is revoked as follows:

§ 1000.203 Liquid foreign balances.

* * * * *

(c) [Revoked]

* * * * *

c. Section 501(a) is amended by the following addition and § 501(c) is revoked as follows:

§ 1000.501 Exclusion from authorization or exemption.

(a) * * * *Provided*, That positive direct investment is authorized as provided in paragraph (a)(1) of this section, and transactions are excluded from retroactive invalidation under the Regulations as provided in paragraph (a)(2) and (3) of this section.

(1) To the extent that during the year 1973 a direct investor made positive direct investment by December 31, 1973, in excess of the amount authorized the direct investor for the year 1973, such excess shall be authorized, notwithstanding any contrary provision of Subpart E or M, without regard to any allocation by the direct investor of available proceeds of long-term foreign borrowing made between January 1, 1974 and February 28, 1974 pursuant to § 1000.306(e)(1), or any dividends paid pursuant to any election by the direct investor under the proviso to § 1000.306(b).

(2) Available proceeds of long-term foreign borrowing allocated to positive direct investment under § 1000.203(d)(2), § 1000.203(d)(3), or § 1000.306(e) shall, notwithstanding any contrary provision of any such section, be deemed to

be allocated to positive direct investment for any period prior to January 1, 1974, notwithstanding that such proceeds are held, on or after such date, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests, and any other type of investment contract) of foreign nationals or in the form of any other foreign property.

(3) Foreign borrowing or proceeds borrowing that is repaid within 12 months after the original date of such borrowing that would, but for such repayment, constitute long-term foreign borrowing as defined in § 1000.324(a)(2) or proceeds borrowing as defined in § 1000.1401(e) shall, notwithstanding any contrary provision of such sections that such borrowing remain outstanding for 12 months after the original date of the borrowing, constitute long-term foreign borrowing or proceeds borrowing, if the repayment of such borrowing is made on or after January 1, 1974.

* * * * *

(c) [Revoked]

The 1973 General Bulletin published in the FEDERAL REGISTER on September 17, 1973 (38 FR 25909), which interprets and explains the regulations as in effect for 1973, will continue to apply to the extent not affected by or inconsistent with these amendments.

The foregoing rules and regulations shall be effective on February 8, 1974, and shall apply to all affected transactions on or after January 1, 1974.

(Sec. 5, Act of Oct. 6, 1917; 40 Stat. 415, as amended (12 U.S.C. 95a); Executive Order 11387, Jan. 1, 1968, 33 FR 47.)

ROBERT H. ENSLOW,
Director, Office of Foreign Direct Investments.

FEBRUARY 7, 1974.

[FR Doc.74-3304 Filed 2-7-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8906]

PART 13—PROHIBITED TRADE PRACTICES

Imperial of Ohio, Inc., et al.

Subpart—advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act—Prices; § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Imperial of Ohio, Inc., et al., Cleveland, Ohio, Docket No. 8906, January 22, 1974]

In the Matter of Imperial of Ohio, Inc., a Corporation, and Imperial Aluminum, Inc., a Corporation, and Albert Scholz, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated Cleveland, Ohio, firms engaged in the retail sales of wall-to-wall carpeting and home improvements, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Imperial of Ohio, Inc., a corporation, and Imperial Aluminum, Inc., a corporation, their respective successors and assigns, and their respective officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, and respondent Albert Scholz, individually and as an officer of said corporations, in connection with the extension of consumer credit or advertisements to aid, promote or assist, directly or indirectly, in the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth In Lending Act (PL 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to accurately disclose the date on which the finance charge begins to accrue, as prescribed by §226.8(b)(1) of Regulation Z.

2. Failing to accurately state the "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

4. Failing to accurately disclose the number, amount, and due dates, or periods of payment, scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to state the "unpaid balance of cash price", as prescribed by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as prescribed by § 226.8(c)(3) of Regulation Z.

7. Failing to disclose the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z.

8. Failing to disclose, in writing, to the customer that insurance coverage is not required by the creditor, as prescribed by § 226.4(a)(5)(i) of Regulation Z.

9. Failing to obtain specific, dated and separately signed, affirmative written indication from the customer of the desire to have insurance coverage, as prescribed by § 226.4(a)(5)(ii) of Regulation Z.

10. Failing to provide the "notice to customer required by federal law" to the customer on one side of a separate statement which identifies the transaction to which it relates, and in the form prescribed by § 226.9(b) of Regulation Z.

11. Failing to set out the "effect of rescission", required by § 226.9(d) of Regulation Z, in the manner and form prescribed by § 226.9(b) of Regulation Z.

12. Failing to furnish two copies of the "notice to customer required by federal law", as prescribed by § 226.9(b) of Regulation Z.

13. Supplying any additional information, contract clause, or other statement pertaining to a transaction generally, unless such additional information, contract clause or other statement is provided in a fashion which complies with § 226.6(c) of Regulation Z.

14. Providing their customers with any kind of printed form by which the customer may modify or waive his right to rescind a transaction, as prescribed by § 226.9(e)(3) of Regulation Z.

15. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form and amount required by § 226.6, § 226.7, § 226.8, § 226.9, and § 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed changes in the corporate respondents such as dissolution, assignment or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, which may affect compliance obligations arising out of the order, or any other changes in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: January 22, 1974.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-3232 Filed 2-7-74;8:45 am]

[Docket C-2486]

PART 13—PROHIBITED TRADE PRACTICES

Lorillard, Division of Loews Theatres, Inc., et al.

Subpart—Advertising falsley or misleadingly: § 13.150 *Premiums and prizes;* 13.150–35 *Prizes;* § 13.157 *Prize contests.* Subpart—Misrepresenting oneself and goods —Goods: § 13.1705 *Prize contests.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2027 *Prize contests.* Subpart—Using contest schemes unfairly: § 13.2270 *Using contest schemes unfairly.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lorillard, Division of Loews Theatres, Inc., et al., New York, N.Y., Docket C-2486, January 7, 1974]

In the matter of Lorillard, Division of Loews Theatres, Inc., a Corporation, Blue Ribbon Promotions, Inc., a Corporation, and Donald Jagoda, Individually and as Officer of Blue Ribbon Promotions, Inc.

Consent order requiring a New York City manufacturer, seller and distributor of cigarettes, among other things to cease misrepresenting the manner in which any promotion game, contest or device will be judged and failing to determine or judge entries in accordance with the published rules. Further, the order requires respondent to rejudge the "Kent Castle Contest," a 1971 promotion for Kent cigarettes, with Lorillard paying up to $100,000 in costs for Blue Ribbon Promotions, Inc., a co-respondent, to rejudge the contest.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Lorillard, a Division of Loews Theatres, Inc., a division of a corporation, Blue Ribbon Promotions, Inc., a corporation, and Donald Jagoda, individually and as officer of Blue Ribbon Promotions, Inc., and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of the "Kent Castle Contest" or any other promotional game, contest or device which involves or offers an opportunity to receive a prize or anything of value, by any means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. a. Misrepresenting the manner in which any promotion game, contest or device, will be judged;

b. Failing to determine or judge entries in accordance with the published rules.

2. Engaging in or promoting, directly or indirectly, the use of any such promotional game, contest or device by means of any announcement notice, or advertisement unless:

a. The rules, and entry blanks where used, relating to promotional games, contests, or devices of skill shall clearly and conspicuously present a fair summary of the manner in which any such promotional games, contests, or devices of skill will be judged; moreover, such rules and entry blanks shall state all of the requirements, terms and conditions for participating therein and for entitlement to prizes or other awards;

b. All offered prizes or other awards are distributed to those participants so entitled under the rules;

c. Following the awarding of prizes in any promotional games, contests, or devices, respondents shall furnish to participants, upon request, the names and city and state of all winners, or with regard to sweepstakes contests, of all winners of prizes having a retail value of fifty dollars ($50) or more, their respective winning scores, and a detailed statement enunciating the basis or method used to determine entitlement to prizes; furthermore, respondents shall clearly and conspicuously present in the statement of the rules, and entry blanks where used, pertaining to any such promotional games, contests, or devices the fact that such information will be furnished to participants therein upon such request.

d. For the purpose of 2(a) and 2(c) hereof, clearly and conspicuously shall be satisfied only if the required presentation appears in bold face type so as to distinguish it from that type used to state the text of the rules.

3. Lorillard shall pay the costs and expenses of rejudging the "Kent Castle Contest" which rejudging shall be conducted in the following manner.

a. Each entry in the Kent Castle Contest which discloses, pursuant to the Rules of the Contest, a word total within such entry of 9,700 or more words, shall be segregated from all entries in such Contest with a lower word total.

b. All entries of 9,700 words or more, so segregated, shall be numbered for identification and judging in accordance with the procedures set forth below. (Such entries are hereinafter referred to as "Entries to be Judged".)

c. Research Triangle Institute of such other person or organization mutually satisfactory to Lorillard and the Federal Trade Commission (hereinafter referred to as "Institute") shall prepare 100 separate word lists (hereinafter referred to as "First Stage Lists"), each consisting of 200 words selected at random from the Master Word List. Master Word List means the list previously prepared by Blue Ribbon Promotions, Inc. (herein the original judging of the Kent Castle Contest.

d. Institute shall number the First Stage Lists and shall assign, at random one First Stage List to each Entry to be Judged. Institute shall then select at random 1,000 Entries to be Judged and shall determine the number of words in each such Entry to be Judged that appear on the First Stage List assigned to such entry. Upon completion of this determination, Institute shall analyze and evaluate the statistical information thus developed and shall report and set forth the method or methods which reasonably could be used in judging the remaining Entries to be Judged, and furthermore, shall set forth, in declining order of confidence levels, each such method and the Alternate Statistical Approach set forth in e. below. Blue Ribbon shall thereupon "cost" the method or methods set forth in the Institute report. If any method contained in the Institute report offers a higher level of confidence than the Alternate Statistical Approach, as determined by Institute in its report, and if the cost of judging all entries by applying such method to judging the remaining Entries to be Judged shall not thereby exceed $100,000, then such method shall be followed by Blue Ribbon in judging the Kent Castle Contest. If more than one such method is found, the method offering the highest confidence level shall be followed. Otherwise, the Kent Castle Contest will be judged by Blue Ribbon in accordance with the Alternate Statistical Approach set forth in e. below.

e. In the event there is no method suggested in the Institute report which provides a higher confidence level within the maximum cost limitation than the Alternate Statistical Approach set forth below, then Blue Ribbon shall undertake the judging pursuant to the following procedure (hereinafter referred to as the "Alternate Statistical Approach"):

(i) It is understood and agreed between the parties to this order that the maximum cost to Lorillard for Blue Ribbon's judging of the Kent Castle Contest under the Alternate Statistical Approach, as more specifically set forth in 3e(ii) of this order, shall not exceed $100,000.00. However, whatever the actual cost of judging may be, Blue Ribbon shall complete the judging in accordance with the procedures outlined in 3e(ii). Institute shall furnish to Blue Ribbon such word lists, random selection of numbers, analyses, and other data as may be necessary to permit Blue Ribbon to judge the contest strictly and solely in accordance with this order.

(ii) Blue Ribbon shall judge each Entry to be Judged against the First Stage List assigned to it by Institute and shall determine the number of words in each Entry to be Judged that appear on the First Stage List against which it is judged. Blue Ribbon shall determine the 500 Entries to be Judged which contain the highest number of words appearing on its First Stage List. Blue Ribbon shall then judge those 500 Entries to be Judged against word lists containing 400 words each, (hereinafter referred to as "Second Stage Lists") in the manner described with respect to the First Stage judging. The Second Stage Lists to be used in judging the 500 Entries to be Judged shall be supplied to Blue Ribbon by Institute. Blue Ribbon shall then certify to Lorillard, with a copy to the Federal Trade Commission, the 50 Entries to be Judged which contain the greatest number of words on the First and Second Stage Lists against which they were judged, and certify and declare those 50 Entries to be Judged grand prize winners of the Kent Castle Contest.

4. Lorillard shall award prizes in the amount of $2,000 each to each of the winners so certified by Blue Ribbon which winners have not been previously awarded a grand prize as a result of the winning of the Kent Castle Contest.

5. The sole responsibility of Lorillard with respect to the judging of the Kent Castle Contest shall be to pay the expenses and fees of the Institute in an amount to be agreed upon by Lorillard and the Institute, and the expenses and fees of Blue Ribbon in an amount not to exceed the $100,000.00 as set forth in paragraph 3e(1) above, and, if Blue Ribbon for any reason shall fail to judge the contest as provided above, any other expenses and fees which may be necessary in order that the contest be judged by an individual or organization acceptable to the Commission in the manner set forth in paragraph 3 above. This provision shall not affect the obligation of Blue Ribbon to judge the contest in the manner set forth in paragraph 3 above regardless of the actual cost of judging the contest.

6. Except for the initial activities of the Institute set forth herein, Blue Ribbon shall be solely responsible, and Lorillard shall not be responsible, for the execution of the judging of the Kent Castle Contest pursuant to the Consent Order, except as set forth in paragraph 5 above.

7. A person or organization satisfactory to the Federal Trade Commission shall examine the judging by Blue Ribbon and shall certify to the Commission the accuracy of the judging hereunder by Blue Ribbon. Such examination may be by periodic observation and by sampling of judged entries against the results certified by Blue Ribbon.

8. Where reference is made to "Blue Ribbon" in connection with rejudging the obligation for such rejudging is also applicable to respondent, Donald Jagoda.

9. As progress payments are made by Lorillard to Blue Ribbon for its rejudging, 25 percent of each payment which Lorillard is obligated to make, pursuant to its agreement with Blue Ribbon, shall be withheld by Lorillard until completion of the judging. Judging shall be deemed completed for the purposes of this paragraph upon the certification by Blue Ribbon pursuant to paragraph 3e (ii) above.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their respective operating divisions or departments.

It is further ordered, That the corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

By the Commission.

Issued: January 7, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-3231 Filed 2-7-74;8:45 am]

[Docket No. C-2485]

PART 13—PROHIBITED TRADE PRACTICES

Missouri Quilting Company, Inc., et al.

Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185-90 Wool Products Labeling Act; *Formal regulatory and statutory requirements;* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* 13.-1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Missouri Quilting Company, Inc., et al., St. Louis, Mo., Docket C-2485, Jan. 10, 1974]

In the Matter of Missouri Quilting Company, Inc., a Corporation, and Thomas C. Brown, and Frank J. Badami, Individually and as Officers of Said Corporation

Consent order requiring a St. Louis, Mo., manuafcturer and seller of wool and textile fiber products, including quilted fabrics, among other things to cease misrepresenting the fiber content of its wool products and failing to maintain records showing the fiber content of its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Missouri Quilting Company, Inc., a corporation, and its officers, and Thomas C. Brown and Frank J. Badami, individually and as officers of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Missouri Quilting Company, Inc., a corporation, and its officers, and Thomas C. Brown and Frank J. Badami, individually and as officers of said corporation, trading under said corporate name or any other trade name or names, their successors and assigns, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, or any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by Section 6 of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and their affiliation with a new business or employment. Such notice shall include respondents' current business address and statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the cor-

poration which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: January 10, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-3270 Filed 2-7-74;8:45 am]

[Docket No. 8937]

PART 13—PROHIBITED TRADE PRACTICES

Steven Rizzi, et al.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717: 15 U.S.C. 45, 70) [Dismissal order, Freight Liquidators, Merrifield, Va., Docket 8937, Jan. 3, 1974]

In the Matter of Steven Rizzi, Mike McKeever, Jerry M. Lytell, Herbert Millstein, Sam Katz, Harold J. Green, George Edward Ommeret, John W. Green, Peter W. Galarneau, and Gerald Gautcher, Individually and as Separate Partners With Joseph W. Green, an Individual; All Trading and Doing Business as Freight Liquidators

Order dismissing complaint against Steven Rizzi, individual respondent who was alleged to be a partner of Freight Liquidators, but was found to be merely an employee with no responsibility for acts alleging false claims, misbranding and advertising textiles deceptively.

The order to dismiss the complaint is as follows:

It is ordered, That the initial decision of the Administrative Law Judge shall, on the 3rd day of January, 1974, become the decision of the Commission.

Issued: January 3, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-3271 Filed 2-7-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-52]

PART 1—GENERAL PROVISIONS

Revocation of Elizabeth City, N.C., as Port of Entry

JANUARY 31, 1974.

On October 18, 1973, a notice of a proposal to revoke the Customs port of entry designation of Elizabeth City, North Carolina, in the Wilmington, North Carolina, Customs district (Region IV) was published in the FEDERAL REGISTER (38 FR 28946). There were no comments received in response to the notice.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the designation of Elizabeth City, North Carolina, as a Customs port of entry is hereby revoked.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by deleting "Elizabeth City." from the column headed "Ports of entry" in the Wilmington, N.C., district (Region IV). (Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

Effective date. This amendment shall be effective March 11, 1974.

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-3241 Filed 2-7-74;8:45 am]

[T.D. 74-53]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Exemptions for Certain Yachts

The Department of State advised the Department of the Treasury on June 21, 1973, that yachts of the United States are permitted to cruise in the territorial waters of Turks and Caicos Islands, St. Vincent (including the territorial waters of the Northern Grenadine Islands), and the Cayman Islands, all Caribbean entities under British jurisdiction, without charges for entering or clearance, dues, duty per ton, or tonnage taxes.

Pursuant to section 5 of the act of May 28, 1908, as amended (section 5, 35 Stat. 425, as amended; 46 U.S.C. 104), following a finding by the Secretary of the Treasury that a foreign nation has granted the above-described exemptions to yachts of the United States, the Commissioner of Customs may issue cruising licenses to yachts of that nation.

It has been established to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the above described reciprocal privileges by Turks and Caicos Islands, St. Vincent, and the Cayman Islands.

Accordingly, section 4.94(b) of the Customs Regulations is amended by the insertion of "(including Turks and Caicos Islands, St. Vincent (including the territorial waters of the Northern Grenadine Islands), and the Cayman Islands)" after "Great Britain" in the list of countries granting the previously-described reciprocal privileges to yachts of the United States. Yachts of the foreign countries listed in section 4.94(b) may be issued cruising licenses by the Commissioner of Customs.

(Sec. 3, 23 Stat. 119, as amended, sec. 5, 35 Stat. 425, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 104)

There is statutory authority for this exemption after a finding has been made that such reciprocity exists. Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective on the earliest date possible under 5 U.S.C. 553.

Effective date. This amendment shall become effective February 8, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: January 31, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-3240 Filed 2-7-74;8:45 am]

[T.D. 74-54]

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

Permit Station Operators Use of Vehicles to Transfer Merchandise

On August 22, 1973, there was published in the FEDERAL REGISTER (38 FR 22554) notice of a proposed amendment to § 19.45 of the Customs Regulations (19 CFR 19.45), which would permit container station operators to use their own vehicles to transfer merchandise from the place of unlading to their stations. No comments were received.

Section 19.45 of the Customs Regulations, added by T.D. 72-68 (37 FR 4186), provides that merchandise may be transferred to a container station only by a bonded cartman or bonded carrier. Before the addition of § 19.45, however, some container station operators used their own vehicles to cart merchandise from the place of unlading to their stations. It has been determined that the movement of cargo to container stations would be facilitated by again allowing this practice.

Accordingly, § 19.45 of the Customs Regulations (19 CFR 19.45) is revised to read as follows:

§ 19.45 Transfer of merchandise, approval and method.

Approval of the application by the district director shall serve as a permit to transfer the container and its contents to the station. Except when the container station operator is moving the merchandise to his own station by his own vehicle, the merchandise may only be transferred to a container station by a bonded cartman or bonded carrier. The station operator, cartman or carrier shall receipt for the merchandise on both copies of the application.

(R.S. 251, as amended, secs. 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759; 19 U.S.C. 66, 1551, 1565, 1624)

This amendment will eliminate a requirement which has been found to be unnecessarily restrictive. Therefore, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

Effective date. This amendment shall become effective February 8, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 1, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-3282 Filed 2-7-74;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-290]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of 24 CFR Part 1914 is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Connecticut	Hartford	Manchester, town of				Feb. 5, 1974, Emergency.
Florida	Broward	Hillsboro Beach, town of.				Do.
Georgia	Catoosa	Ringgold, city of				Do.
Do.	Chattooga	Summerville, city of.				Do.
Do.	Troup	La Grange, city of.				Do.
Massachusetts	Barnstable	Wellfleet, town of				Do.
Do.	Plymouth	Plymouth, town of.				Do.
Minnesota	Hennepin	Brooklyn Park, city of.				Do.
New York	Suffolk	Riverhead, town of.				Do.
North Carolina	Richmond	Rockingham, city of.				Do.
Pennsylvania	Bradford	Sylvania, borough of.				Do.
Do.	Bucks	Wrightstown, township of.				Do.
Do.	Lycoming	Loyalsock, township of.				Do.
Do.	Mercer	Grove City, borough of.				Do.
Do.	Westmoreland	Sutersville, borough of.				Do.
South Carolina	Lexington	Cayce, city of				Do.
Texas	Kendall	Boerne, city of				Do.
Do.	Throckmorton	Throckmorton, city of.				Do.
Virginia	Independent City	Emporia, city of				Do.
Washington	Kittitas	Unincorporated areas.				Do.

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

Issued: January 30, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3162 Filed 2-7-74;8:45 am]

[Docket No. FI-291]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of 24 CFR Part 1914 is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Illinois	Calhoun	Hardin, village of				Feb. 1, 1974, Emergency.
Minnesota	Crow Wing	Brainerd, city of				Do.
Do	Le Sueur	Le Sueur, city of				Do.
Do	Todd	Unincorporated areas.				Do.
Mississippi	Clay	West Point, city of.				Do.
Missouri	Pike	Louisiana, city of				Do.
New Jersey	Middlesex	Milltown, borough of.				Do.
Do	Gloucester	Washington, township of.				Do.
North Carolina	Rockingham	Mayodan, town of				Do.
Pennsylvania	Northumberland	Kulpmont, borough of.				Do.
Do	Lehigh	Lower Milford, township of.				Do.
Do	Carbon	Mahoning, township of.				Do.
Do	Columbia	Mt. Pleasant, township of.				Do.
Do	Northampton	Northampton, borough of.				Do.
Virginia	Independent City	Clifton Forge, city of.				Do.
Do	do	Galax, city of				Do.

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

Issued: January 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3136 Filed 2-1-74;8:45 am]

[Docket No. FI-292]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of 24 CFR Part 1914 is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Colbert	Muscle Shoals, city of.				Jan. 30, 1974. Emergency.
Illinois	Calhoun	Kampsville, village of.				Do.
Kansas	Riley	Manhattan, city of				Do.
Michigan	Huron	Lake, township of				Do.
Mississippi	Leflore	Sidon, town of				Do.
Missouri	Howard	Warson Woods, city of.				Do.
Oklahoma	Sequoyah	Sallisaw, city of				Do.
Pennsylvania	Bradford	Athens, township of.				Do.
Do	Lackawanna	Roaring Brook, township of.				Do.
Do	Mifflin	Newton Hamilton, borough of.				Do.
Do	Northampton	Lower Saucon, township of.				Do.
Do	Northumberland	Little Mahanoy, township of.				Do.
Wisconsin	Iowa	Unincorporated areas.				Do.
Do	Clark	Neillsville, city of				Do.
Do	Milwaukee	Milwaukee, city of				Do.

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

Issued: January 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3164 Filed 2-7-74;8:45 am]

[Docket No. FI-293]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of 24 CFR Part 1914 is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Louisiana	Ouachita Parish	Unincorporated areas.				Jan. 29, 1974. Emergency.
Massachusetts	Middlesex	Somerville, city of				Feb. 4, 1974. Emergency.
Michigan	Saginaw	Zilwaukee, city of				Jan. 21, 1974. Emergency.
Mississippi	Carroll	Unincorporated areas.				Jan. 28, 1974. Emergency.
Do	Grenada	do				Do.
Do	Tunica	Tunica, town of				Do.

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

Issued: January 30, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3165 Filed 2-7-74;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundary of Fort Gulick Army Reservation

This document revises the regulations describing the Fort Gulick Army Reservation in the Canal Zone to remove from the reservation certain lands which have been declared surplus to the needs of the Department of the Army.

In 35 CFR Part 5, § 5.28(a) is amended as follows:

1. In the portion of § 5.28(a) that is designated "Parcel No. 2," the thirteenth unnumbered subdivision (which begins: "S. 79°57'35" W., 1,797.7 feet, more or less, * * *") and the fourteenth unnumbered subdivision (which begins: "In a general northerly, easterly, and northerly direction, * * *") are both deleted and the following three subdivisions are substituted therefor:

S. 79°57'35" W., 1,160.3 feet, through monument No. 12, which is an iron rod in concrete, located in the center of a wind compass, to an unmarked point called No. 12–1, the distances being 1,110.3 feet and 50.0 feet, successively, from the beginning of the course. The geodetic position of point 12–1 is in latitude 9°21' N., plus 1,500.5 feet, and longitude 79°53' W., plus 934.3 feet;

N. 10°02'25" W., 460 feet, more or less, to an unmarked point called No. H–2, located at the mean low water line on the shore of Manzanillo Bay;

In a general easterly and northerly direction, following the mean low water line along the shore of Manzanillo Bay to an unmarked point called B–1, located on the southerly side of a drainage ditch at the southwesterly corner of Parcel No. 1 of Coco Solo Navy Reservation;

2. The last subdivision of § 5.28(a) (which begins: "The reservation contains a total area * * *") is revised to read as follows:

The reservation contains a total area of 3,287 acres, more or less (Parcel No. 1 at Gulick—mainland 1,755.8 acres and islands 85.3 acres, more or less; Parcel No. 2 at Coco Solo—area above mean low water 45.55 acres, more or less; Parcel No. 3—1,400.4 acres, more or less) and is as shown on Canal Zone Government Drawings No. M 6118–44, entitled "Map Showing Boundary of Fort Gulick Army Reservation," dated January 20, 1958 (Revision No. 2 dated February 20, 1959), scale 1:10,000, and No. 6121–72, entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph and Coco Solo, Canal Zone," dated September 15, 1969 (Revision No. 2 dated December 14, 1973), scale 1:10,000. Both maps are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

Effective date. This amendment is effective January 21, 1974.

(2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c))

Dated: January 15, 1974.

DAVID S. PARKER,
Governor of the Canal Zone.

Approved: January 30, 1974.

HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.74-3175 Filed 2-7-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Gasoline Vapor Recovery and Organic Solvent Usage in Massachusetts; Revised Compliance Dates

This notice of rulemaking announces changes in certain compliance dates in regulations pertaining to the collection of vapors displaced during the filling of storage tanks with gasoline and the filling of vehicles with gasoline in all states where such regulations appear. Also included in this notice is a change in certain compliance dates for the organic solvent usage regulation in Massachusetts.

The state plans and regulations affected by the changes are as follows:

Colorado: § 52.336(e), (f) 38 FR 30823 (November 7, 1973), § 52.337(g), (h) 38 FR 30824 (November 7, 1973).
California: § 52.255(e), (f) 38 FR 31251 (November 12, 1973), § 52.256(g), (h) 38 FR 31251 (November 12, 1973).
District of Columbia: § 52.487(e), (f) 38 FR 33711 (December 6, 1973), § 52.488(g), (h) 38 FR 33712 (December 6, 1973).
Massachusetts: § 52.1147(a), (b), (c), (d) 38 FR 30970 (November 8, 1973).
Maryland: § 52.1086(e), (f) 38 FR 33719 (December 6, 1973), § 52.1087(g), (h) 38 FR 33719 (December 6, 1973), § 52.1101(3), (f) 38 FR 34252 (December 12, 1973), § 52.1102 (g), (h) 38 FR 34253 (December 12, 1973).
New Jersey: § 52.1598(e), (f) 38 FR 31399 (November 13, 1973), § 52.1599(f), (g) 38 FR 31400 (November 13, 1973).
Pennsylvania: § 52.2042(e), (f) 38 FR 32896 (November 28, 1973).
Texas: § 52.2285(f) 38 FR 30643 (November 6, 1973), § 52.2286(e), (f) 38 FR 30644 (November 6, 1973), § 52.2288(g), (h), (i), (k) 38 FR 30645 (November 6, 1973), § 52.2289 (g), (i) 38 FR 30646 (November 6, 1973).
Virginia: § 52.2438(e), (f) 38 FR 33726 (December 6, 1973), § 52.2439(g), (h) 38 FR 33726 (December 6, 1973).

Comments on these regulations were invited in the FEDERAL REGISTER of November 6, 1973, (38 FR 30626). Many comments have been received on the gasoline vapor recovery regulations. Also several alternate compliance schedules have been submitted in accordance with the regulations as promulgated. In general, most of the comments were from petroleum marketing firms or trade associations. The main thrust of the comments was that the dates in the regulations for submittal of control plans and signing of contracts for control systems were unrealistically early. Most entities commenting suggested a delay in these dates. With respect to the alternate compliance schedules received in accordance with the regulations as promulgated, a vast majority included dates for submittal of control plans and signed contracts which were several months later than the dates appearing in the promulgated regulations.

Additional technical information received since the time of promulgation, including documents provided by the oil companies themselves, serve to confirm the continuing progress of technology in gasoline vapor recovery, and to validate both the degree of control and the compliance date required by the regulations. For example, a report issued by Standard Oil of California after some promulgations and before others is particularly encouraging.

Based on these comments and submissions of alternate compliance schedules the Administrator feels that the change in dates is warranted and reasonable. In no case will any change made in these interim dates affect the final compliance dates for any source.

Briefly stated the changes being announced will require control plans to be submitted by sources on or before June 1, 1974, in all areas except Texas. The changes also require signed contracts for control systems to be entered into by November 1, 1974, except two AQCR's in Texas (Austin-Waco Intrastate and El Paso-Las Cruces-Alamogordo Interstate AQCR's). In those two Texas AQCR's contracts are to be signed by July 1, 1974, and on-site construction should begin by September 1, 1974. Also, in all areas except the two AQCR's in Texas, sources may have until June 1, 1974, to submit alternate compliance schedules for approval by EPA. In the two Texas AQCR's sources have until May 1, 1974, to submit alternate schedules. In general, the dates for the installation of control equipment remain the same. In all cases the final compliance date is unchanged.

There are several changes in dates being made due to correction of typographical errors in the promulgated regulations. First, in Colorado the date for beginning on-site construction in § 52.336(e), (3) should have been January 1, 1975, not February 1, 1975. In Massachusetts the date in § 52.1147(d), (3) for compliance if an alternative compliance schedule is submitted by a source and promulgated by the Administrator should have been May 31, 1977.

Finally, in Massachusetts, the Commonwealth has indicated that if certain dates in the compliance schedule for the organic solvent usage regulations were revised to allow it time to implement the program smoothly, that the State would in fact take over the implementation of this regulation. Accordingly, EPA is revising the compliance schedule dates for control plan submission, signing of contracts for control systems and initiation of on-site construction. The final compliance date remains the same.

Because of the extreme shortness of time and in light of the comments received, the Administrator finds that good cause exists for making these changes effective immediately upon promulgation.

(Secs. 11(c), 301(a), Clean Air Act, 42 U.S.C. 1857 c-5(c), 1857(g))

Dated: February 4, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

§ 52.255 [Amended]

1. In § 52.255(e), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

2. In § 52.255(d), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

3. In § 52.255(f), (1) the date "December 15, 1973" is revised to read "June 1, 1974."

4. In § 52.255(f), (3) the date "December 15, 1973" is revised to read "June 1, 1974."

§ 52.256 [Amended]

5. In § 52.256(g), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

6. In § 52.256(g), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

7. In § 52256(h), (1) the date "December 15, 1973" is revised to read "June 1, 1974."

8. In § 52.256(h), (3) the date "December 15, 1973" is revised to read "June 1, 1974."

Subpart G—Colorado

§ 52.336 [Amended]

9. In § 52.336(e), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

10. In § 52.336(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

11. In § 52.336(e), (3) the date "February 1, 1975" is revised to read "January 1, 1975."

12. In § 52.336(f), (1) the date "December 15, 1973" is revised to read "June 1, 1974."

13. In § 52.336(f), (3) the date "December 15, 1973" is revised to read "June 1, 1974."

§ 52.337 [Amended]

14. In § 52.337(g), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

15. In § 52.337(g), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

16. In § 52.337(h), (1) the date "December 15, 1973" is revised to read "June 1, 1974."

17. In § 52.337(h), (3) the date "December 15, 1973" is revised to read "June 1, 1974."

Subpart J—District of Columbia

§ 52.487 [Amended]

18. In § 52.487(e), (1) the date "April 1, 1974" is revised to read "June 1, 1974."

19. In § 52.487(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

20. In § 52.487(f), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

21. In § 52.487(f), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

§ 52.488 [Amended]

22. In § 52.488(g), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

23. In § 52.488(g), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

24. In § 52.488(h), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

25. In § 52.488(h), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

Subpart V—Maryland

§ 52.1086 [Amended]

26. In § 52.1086(e), (1) the date "April 1, 1974" is revised to read "June 1, 1974."

27. In § 52.1086(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

28. In § 52.1086(f), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

29. In § 52.1086(f), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

§ 52.1087 [Amended]

30. In § 52.1087(g), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

31. In § 52.1087(g), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

32. In § 52.1087(h), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

33. In § 52.1087(h), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

§ 52.1101 [Amended]

34. In § 52.1101(e), (1) the date "April 1, 1974" is revised to read "June 1, 1974."

35. In § 52.1101(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

36. In § 52.1101(f), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

37. In § 52.1101(f), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

38. In § 52.1101(g), (1) the date "April 1, 1974" is revised to read "June 1, 1974."

39. In § 52.1101(g), (2) the date "July 1, 1974" is revised to read "November 1, 1974."

§ 52.1102 [Amended]

40. In § 52.1102(h), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

41. In § 52.1102(h), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

Subpart W—Massachusetts

§ 52.1147 [Amended]

42. In § 52.1147(a) subparagraphs (1), (2), and (3) are revised to read as follows:

(1) Final control plans for emission control systems or process modifications must be submitted on or before June 1, 1974, for sources subject to § 52.1144(c), (1) and on or before May 1, 1974, for sources subject to § 52.1145.

(2) Contracts for emission control systems or process modifications must be awarded, or orders must be issued for the purchase of component parts to accomplish emission control or process modifications on or before November 1, 1974, for sources subject to § 52.1144(c), (1) and on or before July 1, 1974, for sources subject to § 52.1145.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin on or before January 1, 1975, for sources subject to § 52.1144(c), (1) and on or before August 15, 1974, for sources subject to § 52.1145.

43. In § 52.1147(b), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

44. In § 52.1147(b), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

45. In § 52.1147(c), (1) the date "January 1, 1974" is revised to read "June 1, 1974."

46. In § 52.1147(c) subparagraph (3) is revised to read as follows:

(3) To a source subject to § 52.1144(c), (1) whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

47. In § 52.1147(c), subparagraph (4) is added to read as follows:

(4) To a source subject to § 52.1145 whose owner or operator submits to the Administrator by May 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

48. In § 52.1147(d), (1) the date "April 15, 1974" is revised to read "June 1, 1974."

49. In § 52.1147(d), (3) the dates "April 15, 1974" and "May 31, 1975" are revised to read "June 1, 1974" and May 31, 1977 respectively.

Subpart FF—New Jersey

§ 52.1598 [Amended]

50. In § 52.1598(e), (1) the date "February 15, 1974" is revised to read "June 1, 1974."

51. In § 52.1598(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

52. In § 52.1598(f), (1) the date February 15, 1975 is revised to read "June 1, 1974."

53. In § 52.1598(f), (3) the date "Febuary 15, 1974" is revised to read "June 1, 1974."

§ 52.1599 [Amended]

54. In § 52.1599(f), (1) the date "February 15, 1974" is revised to read "June 1, 1974."

55. In § 52.1599(f), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

56. In § 52.1599(g), (1) the date "February 15, 1974" is revised to read "June 1, 1974."

57. In § 52.1599(g), (3) the date "February 15, 1974" is revised to read "June 1, 1974."

Subpart NN—Pennsylvania

§ 52.2042 [Amended]

58. In § 52.2042(e), (1) the date "April 1, 1974" is revised to read "June 1, 1974."

59. In § 52.2042(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

60. In § 52.2042(f), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

61. In § 52.2042(f), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

Subpart SS—Texas

§ 52.2285 [Amended]

62. In § 52.2285(f), (1) the date "January 1, 1974" is revised to read "June 1, 1974."

63. In § 52.2285(f), (3) the date "January 1, 1974" is revised to read "June 1, 1974."

§ 52.2286 [Amended]

64. In § 52.2286(e), (1) the date "March 31, 1974" is revised to read "July 1, 1974."

65. In § 52.2286(e), (2) the date "July 1, 1974" is revised to read "September 1, 1974."

66. In § 52.2286(e), (3) the date "March 31, 197 " is revised to read "April 30, 1975."

67. In § 52.2286(f), (1) the date "January 1, 1974" is revised to read "May 1, 1974."

68. In § 52.2286(f), (3) the date "January 1, 1974" is revised to read "May 1, 1974."

§ 52.2288 [Amended]

69. In § 52.2288(g), (1) the date "March 31, 1974" is revised to read "July 1, 1974."

70. In § 52.2288(g), (2) the date "July 1, 1974" is revised to read "September 1, 1974."

71. In § 52.2288(g), (3) the date "March 31, 1975" is revised to read "April 30, 1975."

72. In § 52.2288(h), (3) the date "March 31, 1977" is revised to read "April 30, 1977."

73. In § 52.2288(i), (1) the date "December 1, 1973" is revised to read "June 1, 1974."

74. In § 52.2288(i), (3) the date "December 1, 1973" is revised to read "June 1, 1974."

75. In § 52.2288(k) the dates "March 31, 1975 and March 31, 1977" are revised to read "May 31, 1975 and May 31, 1977" respectively.

§ 52.2289 [Amended]

76. In § 52.2289(g), (3) the dates "January 1, 1974" and "May 31, 1976" are revised to read "June 30, 1974" and "June 30, 1976" respectively.

77. In § 52.2289(g), (1) the date "January 1, 1974" is revised to read "June 1, 1974."

78. In § 52.2289(i) the date "March 1, 1976" is revised to read "June 30, 1976."

Subpart VV—Virginia

§ 52.2438 [Amended]

Amendments 79 through 82 are made to § 52.2438, *Gasoline transfer vapor control,* which appears at 38 FR 33726, Dec. 6, 1973.

79. In § 52.2438(e), (1) the date "April 1, 1974" is revised to read "June 1, 1974."

80. In § 52.2438(e), (2) the date "May 1, 1974" is revised to read "November 1, 1974."

81. In § 52.2438(f), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

82. In § 52.2438(f), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

§ 52.2439 [Redesignated and amended]

83. Section 52.2438 *Control of evaporative losses from the filling of vehicular tanks,* added to Subpart VV on December 6, 1973 (38 FR 33726), is renumbered as § 52.2439 *Control of evaporative losses from the filling of vehicular tanks,* so as not to conflict with another § 52.2438 entitled "Gasoline Transfer Vapor Control" added at the same time on the same page.

84. In the newly renumbered § 52.2439 (g), (1) the date "February 1, 1974," is revised to read "June 1, 1974."

85. In the newly renumbered § 52.2439 (g), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

86. In the newly renumbered § 52.2439 (h), (1) the date "January 31, 1974" is revised to read "June 1, 1974."

87. In the newly renumbered § 52.2439 (h), (3) the date "January 31, 1974" is revised to read "June 1, 1974."

[FR Doc.74-3269 Filed 2-7-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Texas Transportation Control Plan; Vapor Recovery Regulations; Correction

Two types of errors appeared in the "vapor recovery" regulations promulgated as part of the Texas transportation control plan on November 6, 1973 (38 FR 30645). This notice corrects them.

In 40 CFR 52.2288, "Control of evaporative losses from the filling of vehicular tanks: Houston, San Antonio, and El Paso Regions," paragraph (c)(2) requires recovery of 90 percent of the organic compounds in displaced vapors during fueling of automobiles. Although 90 percent control was intended for Houston and San Antonio (by 1977), as proposed in the original version of this regulation (38 FR 17808, July 3, 1973), the earlier date chosen for vapor recovery in El Paso (1975) suggested that a requirement of only 80 percent recovery was proper for El Paso. This was consistent with the regulation for Dallas, § 52.2289, where 80 percent recovery is required by 1976, and where the maximum oxidant reading was the same as in El Paso. Unfortunately, the 80 percent figure for El Paso did not appear in the regulation as printed. This mistake is corrected by this promulgation.

Either a displacement-type vapor recovery system or a more complex refrigeration-condensation, adsorption, or equivalent system is acceptable to comply with the various vapor recovery regulations, provided that any displacement system used be amenable to conversion to the more efficient systems in the future. However, the word "or" was inadvertently dropped in paragraph (d) of §§ 52.2288 and 52.2289 as published, making it appear that the more complex systems were required, rather than merely acceptable as alternatives. The missing word is present in the identically-worded paragraphs in the regulations for California, 40 CFR 52.256(d), 38 FR 31252 (November 12, 1973), for the District of Columbia, 40 CFR 52.488(d), 38 FR 33712 (December 6, 1973), and for other regions. As corrected, paragraph (d) will require "a vapor-tight return line from the fill nozzle-filler neck interface to the dispensing tank, or to an adsorption, absorption, incineration, refrigeration-condensation system or equivalent".

Similarly, a paragraph which cross-references a paragraph in §§ 52.2285 and 52.2286 was inadvertently dropped from §§ 52.2288 and 52.2289, respectively. This cross reference is added back into §§ 52.2288 and 52.2289 as a new paragraph (e) to make it clear that a displacement system may also be used for vehicular vapor recovery provided it is amenable to conversion in the future. Such a cross reference appears in the identical regulation for vehicular vapor recovery promulgated for California, 40 CFR 52.256(e), 38 FR 31252 (November 12, 1973), for the District of Columbia, 40 CFR 52.488(d), 38 FR 33712 (December 6, 1973), and for other regions.

The Administrator finds that good cause exists for making this correction immediately effective. The clarifications are essential in light of comments and inquiries received since the promulgation of the Texas regulation. (Secs. 110(c), 301, Clean Air Act, 42 U.S.C. 1857c-5(c), 1857g.)

Dated: February 1, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of 40 CFR Chapter I is amended as follows:

1. In § 52.2288, paragraphs (c)(2) and (d) are revised, a new paragraph (e) is added, and existing paragraphs (e) through (k) are renumbered accordingly:

§ 52.2288 Control of evaporative losses from the filling of vehicular tanks: Houston, San Antonio, and El Paso Regions.

* * * * *

(c) * * *

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent (80 percent in the case of the El Paso Region) by weight of the organic compounds in displaced vapors are recovered; and

* * * * *

(d) The system referred to in paragraph (c) of this section can consist of

a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, or to an adsorption, absorption, incineration, refrigeration-condensation system or equivalent.

(e) Components of the systems required by paragraph (c) of §§ 52.2285 and 52.2286 can be used for compliance with paragraph (c) of this section.

* * * * *

2. In § 52.2289, paragraph (d) is revised, a new paragraph (e) is added, and existing paragraphs (e) through (i) are renumbered accordingly:

§ 52.2289 Control of evaporative losses from the filling of vehicular tanks: Dallas-Fort Worth Region.

* * * * *

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, or to an adsorption, absorption, incineration, refrigeration-condensation system or equivalent.

(e) Components of the systems required by paragraph (c) of § 52.2285 can be used for compliance with paragraph (c) of this section.

* * * * *

[FR Doc.74-3347 Filed 2-7-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Texas Transportation Control Plan, Employer Mass Transit Incentive Regulation

This notice of rulemaking announces the final decisions of the Environmental Protection Agency in regard to the employer incentive regulation promulgated as part of the Texas transportation control plan, 40 CFR 52.2297. (38 FR 30626, November 6, 1973.)

BACKGROUND

At the time of the original proposal of a transportation control plan for Texas, the following statements were included in the proposal:

> Although regulatory language has only been included for [bus/carpool lanes, review of new parking facilities, and gasoline rationing], additional measures will also be considered for eventual promulgation as part of this rulemaking. In particular EPA will consider the feasibility of reducing VMT [vehicles miles traveled] by reducing the number of indoor and outdoor parking spaces in central business districts and other trip attraction centers. * * *
>
> * * * The feasibility of achieving VMT reductions by changes in working hours, or measures to promote the use of bicycles, is also being considered. (38 FR 17801, July 3, 1973).

After public hearings on various means of controlling VMT and the receipt of extensive written comments suggesting various alternative measures, the final plan was promulgated on November 6, 1973. That plan included some measures for which specific regulatory language had not been given in the proposal, but which encompassed "VMT reductions." In particular, § 52.2297, "Employers provision for mass transit incentives," requires each employer who has both 1,000 employees and 700 parking spaces in one location to submit, by February 1, 1974, "an adequate transit incentive program designed to encourage the use of mass transit and discourage the use of single-passenger automobiles by his employees." (38 FR 30650, November 6, 1973.) At the time of this promulgation, the following statement was also included:

PUBLIC COMMENT AND REVIEW

> These promulgations of transportation controls * * * have involved ample opportunity for both written comment and oral testimony. However, the Administrator wishes to call attention to the fact that it is always appropriate for members of the public and affected interests to submit written comments on rulemaking actions even after the regulations have been promulgated. Accordingly, although these regulations become effective upon promulgation, interested persons are encouraged to submit written comments to the Administrator or the appropriate Regional Administrators for 30 additional days from the date of promulgation of the transportation control plan for each region. (38 FR 30633, November 6, 1973)

At the same time, an alternative version of § 52.2297 was published as proposed rulemaking, containing requirements that affected employers impose surcharges on employees parking unless carpools were utilized, and that employers reimburse their employees for use of mass transit just as they currently provide incentive to drive through free parking. Comment was invited on this proposal until December 6, 1973. (38 FR 30651, November 6, 1973.)

DECISION

A substantial number of comments have been received since the publication of the two versions of § 52.2297 on November 6, 1973. A thorough analysis of these comments has resulted in a decision to withdraw the proposed rule announced at 38 FR 30651, but to retain the promulgated rule announced at 38 FR 30650. One significant change, however, is being made in § 52.2297 as promulgated: the date for submission of mass transit incentive plans by affected employers is being changed from February 1, 1974, to April 1, 1974, in response to some public comments from affected employers, in order to allow additional time to prepare adequate plans, and to take account of the fact that the Administrator no longer believes that he may condition approval of an employer incentive plan upon its containing surcharges on parking. (The decision of the Administrator regarding surcharges was announced in the FEDERAL REGISTER on January 15, 1974, 39 FR 1848.) All other dates in § 52.2297 are likewise being delayed by two months in order to be consistent.

ANALYSIS OF COMMENTS

Some comments filed by petitioners involved in litigation over these regulations indicated that it would be "inappropriate" to promulgate any further and more specific regulations while the transportation control plan was involved in litigation, and some others said that comments should be held "in abeyance" until 30 days after a court decision in such litigation. We do not agree with this view, in light of the clear intent of Congress that regulations under section 110 not be delayed by the process of judicial review. Some comments objected to imposing requirements on large employers while not imposing them on smaller ones. We have decided that this is a reasonable approach, because of the larger contribution to the problem made by the larger employers. It is not at all unusual to exempt, at least for the present, smaller sources on the grounds that their large numbers make control of them not yet a "reasonably available" measure. Other comments said consideration should be given to the geographical location of the parking area. Since the problem of photochemical oxidants is an area-wide one, with the oxidant level building up in some areas due to hydrocarbon discharges in other areas, we have decided that it remains reasonable to apply this regulation over a wide area, although it is not being applied outside of the air quality control regions involved (Dallas-Fort Worth, Houston-Galveston, San Antonio).

The majority of comments received objected to the proposed surcharge on employee parking. It was objected to on the basis that it was discriminatory, that it was an unlawful "tax" on employees; and that it was not administratively feasible. As noted above, all requirements for surcharges have been withdrawn.

Some comments felt that the regulation involved unacceptable "administrative headaches," but EPA has concluded that these are no greater than involved in any other pollution control regulation for the affected parties, and are justified.

Some comments asked for exemptions for employees who "must" use their automobiles. Since such exemptions could soon swallow up the entire regulation, no overall exemption is being allowed, although an employer may decide how to make his contribution to VMT reduction in the most equitable manner.

Several comments felt that the standards for number of parking spaces and number of employees should be applied on a "per shift" basis. Thus, an employer with 2,500 employees working on three shifts would be exempt. We do not believe this is justified, since the overall contribution to air pollution being made by that employer is substantial. However, the EPA Regional Office is prepared to work with such employers to design solutions for their special problems.

Some comments objected that burdens were not being imposed on competing commercial facilities. This comment might have had some force if the mandatory surcharge provisions of the proposed version of § 52.2297 had been promulgated by the agency. However, parking provided by employers is already likely to be at such an advantage com-

pared to nearby commercial parking that any plan of the employer to favor carpools and mass transit is not expected to disadvantage him.

Some comments asked for clarification of whether an "adequate" plan need contain all the measures suggested in § 52.2297(b), or whether it could contain just some of them, or even different measures. As explained in letters to employers making such inquiries, an adequate plan need not combine all of the possible incentives mentioned in § 52.2297(b). The regulation is being amended to clarify this.

Some comments suggested that § 52.2297 was unwarranted legally, a conclusion with which the Agency does not agree. The need for transportation controls in Texas has been clearly set out in previous FEDERAL REGISTER notices, as has been the logic of regulating employers as "indirect sources" of air pollution.

Many comments objected to the requirement for mass transit incentives in areas where mass transit facilities are inadequate or wholly lacking. In meeting with employers subject to the regulation, the Regional Office has indicated that it will accept an incentive plan that is based on carpooling alone if it is affirmatively shown (by transit maps or other means) that public mass transit is not available and that a private transit system is not feasible. It should be noted, however, that several employers have indicated that they now are working on private bus lines to run from areas where a large number of employees reside to the place of employment.

Certain employers stated that carpooling is not feasible for many employees, such as salespersons, who use their automobiles in their work. In response to such comments, the Regional Office has indicated that it will accept plans that make allowances for such individuals.

A significant number of letters were received from hospitals located in cities affected by the regulations. These letters expressed comments regarding the difficulty of developing a plan that would accommodate workers on a 24-hour basis, unexpected overtime, and emergency situations. The Regional Office has responded to these comments individually and has emphasized that while it believes that the requirements of the regulation should be met, it will provide assistance in developing a plan that will serve those employees who work regular hours and that also will accommodate the problems that are unique to a health care facility.

Following promulgation of § 52.2297 the Regional Office contacted by letter approximately 175 employers in the Houston-Galveston, San Antonio, and Dallas-Fort Worth areas who were believed to have over 1,000 employees. Slightly less than one-third of these employers have responded by saying that they are not subject to the provisions of the regulation because either (1) they do not have 1,000 employees at one location or (2) they do not provide 700 or more employee parking spaces. Where facts have been presented to support these statements, the Regional Office has responded promptly and has confirmed the nonapplicability of the regulation to such employers. Many of those who responded indicated that although they were not required to develop a transit incentive plan, they did have underway plans to encourage carpooling among employees.

Additionally, the Regional Office held meetings during December 1973 in Dallas, Fort Worth, Houston, and San Antonio for all affected employers. Employers were notified both by letter and by newspaper notices. The Regional Office staff received oral comments that are similar to written comments that have been received, answered questions, and provided employers with guidelines and suggestions for the development of transit incentive plans.

Some confusion has been expressed with regard to whether the regulation applied to an employer with a total of 1,000 employees or to those with 1,000 or more employees at one location, even though it was made clear in the Preamble to the regulation (38 FR 30639) that only those with 1,000 or more at one location would be required to submit an incentive plan. Inquiries addressed to the Regional Office have been answered promptly and clarification provided. This point is also being clarified by amendment.

Several employers indicated a desire to develop a transit incentive plan in order to carry out the provisions of the regulation and to assist employers in the conservation of fuel, but requested additional time for submittal. On the other hand, many employers have indicated that the February 1, 1974 date could easily be met. One very comprehensive plan from a large employer was received by the Regional Office in mid-January. In order to allow ample time for all employers to develop a suitable plan, however, it is believed that April 1, 1974 will be a more appropriate date for submission of incentive plans.

Because adequate opportunity for public comment has been given, because these changes are being made in response to such comments, because these rules relieve a restriction by extending a deadline, and because the need for expedition is evident in light of the fast-approaching dates in the regulation, the Administrator finds that good cause exists for making these changes effective immediately.

(Secs. 110, 301, Clean Air Act, 42 U.S.C. 1857c–5, 1857g)

Dated: February 1, 1974.

JOHN QUARLES,
Acting Administrator.

Section 52.2297 of 52 CFR Chapter I is amended as follows:

§ 52.2297 [Amended]

1. Paragraph (b) of § 52.2297, is revised to read as follows:

(b) Each employer in the Regions who employs 1,000 or more persons at any one facility and who maintains more than 700 employee parking spaces at any such facility shall, on or before April 1, 1974, submit to the Administrator an adequate transit incentive program designed to encourage the use of mass transit and discourage the use of single-passenger automobiles by employees at such facilities. This program may contain provisions for subsidies to employees who use mass transit, reductions in the number of employee parking spaces or surcharges on the use of such spaces by employees, provision of special charter busses or other modes of mass transit for the use of employees, preferential parking or other benefits to employees who travel to work by carpool and/or any other measures acceptable to the Administrator. By June 1, 1974, the Administrator shall approve such program for each employer if he finds it to be adequate and shall disapprove it if he finds it not to be adequate. Notice of such approval or disapproval will be published in this part.

2. The first sentence in paragraph (f) of § 52.2297 is amended by substituting the words "June 1, 1974" for "April 1, 1974."

3. The second sentence in paragraph (f) of § 52.2297 is amended by substituting the words "August 1, 1974" for "June 1, 1974."

[FR Doc.74–3348 Filed 2–7–74;8:45 am]

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Fuel Venting Emissions Standard

Since the promulgation of the regulations for control of air pollution from aircraft and aircraft engines (38 FR 19088), the Federal Aviation Administration has requested a clarification of the intent of the fuel venting requirements with regard to the control of normal fuel seepage from shaft seals, joints, and fittings. To clarify the intention of the regulations in this regard, a sentence is added in this notice.

Section 87.11(a) of 40 CFR Part 87 is amended as follows, effective February 8, 1974.

The provisions of this amendment are issued under section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f–9).

Dated: February 4, 1974.

JOHN QUARLES,
Acting Administrator.

Section 87.11(a) of 40 Part 87, is amended as follows:

§ 87.11 Standard for fuel venting emissions.

(a) No fuel venting emissions shall be discharged into the atmosphere from any new or in-use gas turbine engine subject to the subpart. This paragraph is directed at the elimination of intentional discharge to the atmosphere of fuel drained from fuel nozzle manifolds

after engines are shut down and does not apply to normal fuel seepage from shaft seals, joints, and fittings.

* * * * *

[FR Doc.74-3268 Filed 2-7-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19736; FCC 74-105]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments; Certain Cities in Florida

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Cape Coral, Key West, and Punta Gorda, Florida), RM-1934, RM-1963, RM-2061.

1. The Commission has before it the notice of proposed rule making adopted May 9, 1973 (FCC 73-490, 38 FR 12935) proposing an amendment of § 73.202(b) of the rules, the FM Table of Assignments. The rule making was instituted on the basis of three petitions, two of which proposed the assignment of the same FM channel to two communities resulting in a channel conflict. The conflicting petitions were filed by Dr. E. Paul Eder (RM-1934) proposing the assignment of Channel 261A to Cape Coral, Florida, and Broadcast Systems, Inc. (RM-2061) proposing the assignment of Channel 261A to Punta Gorda, Florida. The third petition filed by David W. Freeman and William A. Freeman, Jr. (RM-1963), proposed the assignment of Channel 296A to Key West, Florida, and is not directly related to the other two petitions but will be discussed separately in this document.

2. *Cape Coral, Florida (RM-1934) and Punta Gorda, Florida (RM-2061).* The notice observed that since the distance between Cape Coral and Punta Gorda is approximately 25 miles, Channel 261A could be assigned to only one of the two communities (required spacing is 65 miles). To resolve the conflict, we, in our Notice, proposed to assign Channel 280A to Cape Coral as suggested by Broadcast Systems, Inc. and Channel 261A to Punta Gorda or Port Charlotte. These assignments can be made to Cape Coral and Punta Gorda or Port Charlotte without requiring any other changes in the FM Table of Assignments, and in conformance with the Commission's minimum mileage separation rule.

3. Cape Coral (10,193 population) is located in Lee County (105,216 population) on the west bank of the Caloosahatchee River.[1] There are no broadcast facilities assigned to Cape Coral. The nearest community with such facilities is Fort Myers (27,351 population), the seat of Lee County and located approximately seven miles northeast on the east bank of the Caloosahatchee River. Fort Myers has three AM and three FM stations (1 A and 2 C's). Punta Gorda (population 3,879) is the seat of Charlotte County (population 27,559). It has a daytime only AM station (WCCF) and a Class A FM station (Channel 224A, WCCF-FM).

4. The preclusion study shows that the assignment of Channel 261A to Cape Coral, Punta Gorda or Port Charlotte would preclude future assignments only on Channel 261A in a limited area. As to Channel 280A, it can be assigned to Cape Coral or to an area a short distance east or south of the community; it cannot be used at Punta Gorda or Port Charlotte. The assignment on Channel 280A to this area would preclude future assignments only on Channel 280A; the adjacent channels would not be affected.

5. A supporting comment was filed by E. Paul Eder stating his acceptance of the suggested proposed Channel 280A to Cape Coral and reiterated his intention to apply for a construction permit for that channel, if assigned, and to construct and operate the station. There were no opposing comments.

6. In our notice we requested that information be submitted as to the feasibility of an assignment to Port Charlotte, an unincorporated community, which has a population of 10,769 and has no broadcast facility. Port Charlotte is located on the north side of Peace River, approximately four miles northwest of Punta Gorda (located on the south side of Peace River). In supporting comments Broadcast Systems, Inc., states it has no objection if Channel 261A was assigned to Port Charlotte instead of Punta Gorda as it originally proposed. It states that Punta Gorda-Port Charlotte is mutually one community, so it is extremly unlikely that one community would be disadvantaged by the assignment of Channel 261A to the other. It notes that there are no statistics, demographic data or other information which strongly favor making the assignment to one or the other since the two places share in common the need for the service for reasons which are identical. There were no opposing comments.

7. We have given careful consideration to the proposals in this proceeding, and believe that, since Cape Coral has a population of 10,193 and does not have a broadcast facility, Channel 280A should be assigned there to provide for a first local broadcast service. We further believe that it is more appropriate and in the public interest to assign Channel 261A to Port Charlotte, a larger community than Punta Gorda. Port Charlotte has no broadcast facility and it would provide for a first local broadcast service to the community, while Punta Gorda now has an AM and an FM station.

8. *Key West, Florida (RM-1963).* The petitioners, David W. Freeman and William A. Freeman, Jr., propose the assignment of Channel 296A to Key West, Florida (population 27,563), in order to make a third FM assignment available there for which they can apply. Their supporting comments reaffirm their intention to apply for the channel upon its assignment to that community. Key West has two unlimited-time AM stations (WKIZ and WKWF) and two Class C FM channels (Channels 223, Station WFYN-FM, and Channel 238). An application for a construction permit for the use of this channel (BPH-8078) was granted on July 3, 1973. This grant was set aside on September 26, 1973, and the application was designated for hearing on November 21, 1973. The only other FM assignment in Monroe County (population 52,586) is at Marathon (Channel 232A), some 45 miles east of Key West. Opposing comments were filed by Florida Keys Broadcasting Corporation (Florida Keys), licensee of Stations WKIZ(AM) and WFYN-FM, Channel 223, Key West, Florida. Florida Keys also filed an objection to grant the aforementioned application for the use of Channel 238 pending the final resolution of the present rule making proceeding. It notes that it does not object to both a grant of the subject application and assignment of the proposed Class A FM channel at Key West; rather, it states, its interest herein is to have the Commission consider the application and proposed rule making in concert, with due examination of the aggregate, deleterious effects a grant of both may have on broadcast service at Key West.

9. In its opposing comments, Florida Keys Broadcasting Corporation contends that the assignment of a third FM channel at Key West would "over-radio" the modest population center and that the Key West economy cannot support fourth and fifth broadcast services coupled with proposed intermixture of Class A and Class C facilities. It states that the military has undertaken a continuing program of disestablishment or relocation of military personnel, training programs and naval ships from the area. It notes that there has been a significant population loss in Key West, due to a serious outmigration of the area's young people, which has resulted in a severely depressed economy. It further contends that the petitioner has failed to demonstrate a need for the proposed service. Florida Keys points out that the assignment proposed herein would exceed the one to two FM channels normally assigned to a community of less than 50,000 persons such as Key West, and that the Commission has denied requests when parties failed to show a need for a third assignment, citing "Kingston, New York," 5 RR 2d 1548 (1965); "Santa Maria, California," 8 F.C.C. 2d 402 (1967).

10. In reply comments petitioners contend that Key West receives no service outside of the three stations which exist, two owned by the same operator

[1] All population figures cited are from the 1970 U.S. Census unless otherwise specified.

(Florida Keys), which duplicate their live programs almost in their entirety, thereby in reality Key West now receives only two radio services. Petitioners point out that they would not impair the financial strength of Florida Keys but perhaps would bring it within normal return for a station operating in this type of market in normal competitive situations. They aver that it is not their intention, if granted a permit, to broadcast the top 40 market program, but to engage in a more community-oriented broadcast program. Petitioners state that Florida Keys admits, in its application for license for renewal, the inability to reach the black population of the area. Petitioners contend that Florida Keys does not attempt to service this area, nor the Spanish speaking population in their employment or their broadcasting practices; no programs are carried in Spanish, in spite of the fact that there is a large Spanish speaking population; and no programs are broadcast to the large fishing industry of information they could use other than weather forecasts. They point out that the Class A assignment would serve Key West and surrounding areas which have a total population of an excess of 40,000 people.

11. Florida Keys reiterates in its reply comments that Key West has been shown to be a depressed area—inordinately dependent on a military population which is being relocated, and unable to improve its situation by developing alternative means of economic support; that economic conditions of the area plainly disclose its inability to support fourth and fifth full-time broadcast facilities; and that the Florida Keys station WFYN–FM is already experiencing serious difficulty in securing the scarce advertising revenues necessary to maintain its economic viability, and the situation is worsening. Decisions concerning FM channel assignments are based on consideration of public interest factors. Although Florida Keys argues that a Class A channel should not be assigned to Key West because the community cannot support another radio station, it presents no data as to what effect, if any, operation of a third FM station would have on the operations and programming of the existing stations there. We believe that any such economic issue would be more appropriately considered in connection with an application for a construction permit for use of the channel.

12. Further, in urging a denial, Florida Keys has cited cases where the Commission has denied requests for a third channel to communities with population of less than 50,000 persons, but it is noted that the cases therein involved a question of need for channels in other communities located within the precluded areas. Here the preclusion study shows that the assignment of Channel 296A to Key West would foreclose future assignment only on the requested channel in the area along the Florida Keys, and that, due to lack of other communities in this area of the country, it could be assigned to Key West without foreclosing future assignment to any other communities. Thus the assignment of Channel 296A to Key West would result in the efficient use of the FM frequencies. As to the question of intermixture of a Class A channel with the two Class C channels, we have on other occasions made such an assignment, and the petitioners are aware of the coverage limitation of a Class A station and appear willing to take the risk of operating such a station. Thus we believe that it is in the public interest to assign Channel 296A to Key West, Florida.

13. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That, effective March 15, 1974, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the cities listed below:

City	*Channel No.*
Cape Coral, Fla	280A
Port Charlotte, Fla	261A
Key West, Fla	223, 238, 296A

14. *It is further ordered*, That this proceeding is terminated.

Adopted: January 30, 1974.

Released: February 5, 1974.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–3249 Filed 2–7–74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge

The following special regulation is issued and is effective during the period February 11, 1974 through December 31, 1974.

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Iroquois National Wildlife Refuge, Basom, New York, is permitted on all waters designated by signs as open in accordance with specified dates. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) All waters will be closed to fishing from April 1 through July 15 and October 1 through November 30 except those portions of the Feeder Canal and Oak Orchard Creek designated by signs as open.

(2) Boats without motors may be used on Oak Orchard Creek from the Knowlesville Road to a wire two miles westward.

(3) Firearms are not permitted in boats.

(4) Leaving boats, structures, or other equipment overnight on the refuge is not permitted.

All fishing areas are delineated on maps available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in 50 CFR, Part 33, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 30, 1974.

[FR Doc.74–3196 Filed 2–7–74;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.

FEDERAL TRADE COMMISSION

[16 CFR Part 502]

DETERGENT PRODUCTS

Common Name and Ingredient Listing

Notice is given that the Federal Trade Commission, pursuant to the provisions of the Fair Packaging and Labeling Act (Secs. 5(c) and 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), and under the Commission's procedures and rules of practice (16 CFR 1.15), proposes to issue regulations governing the use of the common or usual name and the inclusion of a list of ingredients on the label of packaged detergent commodities.

Section 5(c) of the Fair Packaging and Labeling Act (Pub. L. 89–755) states that

> Whenever the promulgating authority determines that regulations containing prohibitions or requirements other than those prescribed by section 4 are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, such authority shall promulgate with respect to that commodity regulations effective to * * * (3) require that the label on each package of a consumer commodity (other than one which is a food within the meaning of section 201(f) of the Federal Food, Drug, and Cosmetic Act) bear (a) the common or usual name of such consumer commodity, if any, and (b) in case such consumer commodity consists of two or more ingredients, the common or usual name of each such ingredient listed in order of decreasing predominance, but nothing in this paragraph shall be deemed to require that any trade secret shall be divulged * * *.

Accordingly, the Commission proposes the following regulations which are deemed necessary to prevent the deception of consumers and to facilitate value comparisons as to consumer commodities subject to the regulatory authority of the Commission as provided in section 5(a) of that Act.

It is proposed that Part 502 of the regulations be amended by adding thereto a new section as follows:

COMMON NAME AND INGREDIENT LISTING

§ 502.200 Detergents.

(a) In addition to meeting all requirements under Part 500 of the regulations, the package or label of a detergent commodity shall bear (1) a specification of identity which includes the use of the word "detergent" and (2) the common or usual name of each ingredient, contained therein, listed in the order of decreasing predominance.

(b) The term "detergent" means any cleansing compound available for household or personal use, which is composed of organic and inorganic compounds, including water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, fillers, dyes, enzymes, and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form. The term includes soap only when combined with a detergent.

(c) The ingredient statement shall be located in its entirety, on a single front, side, or rear panel of the package; shall be in a type size and so positioned as to render it easily read and understood by the consumer; shall be in lines generally parallel to the base on which the package is designed to be displayed; and shall appear on a clear, contrasting background without being obscured by crowding, design or vignettes.

(d) The list of ingredients will contain the simplest constituents of the detergent product which can be reasonably determined and disclosed. The recognized common name of each of the ingredients must be given or, if any ingredient has no common name, the correct chemical name which conforms with generally accepted rules of chemical nomenclature. A trademark or trade name shall not be used as the name of an ingredient except when it has become a common name. The functional terms "optical brighteners", "perfume", and "coloring" may be used for ingredients of this nature contained in a detergent product. If percentages of ingredients are included, the percentages will be determined by weight and the sum of the percentages shall be 100.

(e) On packages of more than one pound or one pint, each listed ingredient will be preceded by a designation showing its primary function, e.g., Surface-Active Agent, Sequestering Agent, Anti-Soil Redeposition Agent, Anti-Caking Agent, Enzymes, Optical Brightener, Bleach, Foam Booster, Perfume, Coloring, Filler, etc. When more than one ingredient is used to accomplish a primary function, the names of the ingredients may be listed together following the functional designation and the aggregate of such ingredients will determine the position listed in the order of predominance.

EXAMPLES: (1) Packages over one pound or one pint (Percentages Optional):

Sequestering Agent: Sodium Tripolyphosphate
Surface Active Agent: Alkylbenzene Sulfonate
Bleach: Sodium Perborate
Moisture: Water
Anti-Caking & Anti-Corrosion Agent: Sodium Silicate
Filler: Sodium Sulfate
Foam Booster: Lauryl Alcohol
Optical Brighteners, Perfume & Coloring
Anti-Soil Redeposition Agent: Sodium Carboxymethylcellulose
Enzymes: Alkaline Protease

or

Sequestering Agent (Sodium Tripolyphosphate 40.0%); Surface Active Agent (Alkylbenzene Sulfonate 25.0%); Bleach (Sodium Perborate 10.0%); Moisture (Water 9.0%); Anti-Caking & AntiCorrosion Agent (Sodium Silicate 7.0%); Filler (Sodium Sulfate 6.0%); Foam Booster (Lauryl Alcohol 1.5%); Optical Brighteners, Perfume & Coloring 0.8%; Anti-Soil Redeposition Agent (Sodium Carboxymethylcellulose 0.5%); Enzymes (Alkaline Protease 0.2%).

(2) Packages one pound and one pint or less:

	Percent
Sodium Tripolyphosphate	40.0
Alkylbenzene Sulfonate	25.0
Sodium Perborate	10.0
Water	9.0
Sodium Silicate	7.0
Sodium Sulfate	6.0
Lauryl Alcohol	1.5
Optical Brighteners, Perfume and Coloring	0.8
Sodium Carboxymethylcellulose	0.5
Alkaline Protease	0.2
	100.0

or

Sodium Tripolyphosphate; Alkylbenzene Sulfonate; Sodium Perborate; Water; Sodium Silicate; Sodium Sulfate; Lauryl; Alcohol Sodium Carboxymethylcellulose; Optical Brighteners, Perfume & Coloring; Alkaline Protease.

Any interested person may, on or before April 9, 1974, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written data, views, or arguments on this proposal.

By direction of the Commission dated January 22, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-3254 Feb. 2-7-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[41 CFR Ch. 101]

PUBLIC BUILDINGS AND SPACE

Notice of Proposed Amendments to Federal Property Management Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the General Services Administration is considering an amendment to 41 CFR Parts 101–17 through 101–24.

The revisions involve substantive changes in the rules and regulations to clarify policies and responsibilities by prescribing the policies and procedures to be followed in implementing the portion of the "Public Buildings Amendments of 1972", Pub. L. 92–313, that deals with providing space and services and levying charges against anyone furnished space and services in space under the assignment responsibility of the General Services Administration or other executive agencies.

The proposed revision includes rearrangement of the parts within Subchapter D, extensive changes in part and section numbers, and the addition of a new part. The following table shows the arrangement of the parts prior to this proposal and the proposed rearrangement of the parts.

Title of part	Prior part No.	Proposed part No.
Assignment and Utilization of Space	101–20	101–17
Acquisition of Real Property	101–18	101–18
Construction and Alteration of Public Buildings	101–17	101–19
Management of Buildings and Grounds	101–19	101–20
Federal Buildings Fund	None	101–21

The amendment will provide agencies with rules and regulations that are informative and understandable and will provide policies and procedures that may be used by agencies as guidelines for administering space and related service needs in carrying out their programs.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Commissioner, Public Buildings Service, General Services Administration, Room 6344, General Services Building, 19th and F Streets NW., Washington, DC 20405, on or before March 11, 1974.

Dated: February 8, 1974.

LARRY F. ROUSH,
Commissioner,
Public Buildings Service.

As proposed, the amendment to the regulations would read as follows:

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–17—ASSIGNMENT AND UTILIZATION OF SPACE

Sec.
101–17.000 Scope of part.
101–17.001 Authority.
101–17.002 Basic policy.
101–17.003 Definition of terms.
101–17.003–1 Space assignment.
101–17.003–2 General purpose space.
101–17.003–2a Types of general purpose space.
101–17.003–3 Special purpose space.
101–17.003–4 Government-owned space.
101–17.003–5 Leased space.
101–17.003–6 Permit space.
101–17.003–7 Occupancy guides.
101–17.003–8 Private office.
101–17.003–9 Semiprivate office.
101–17.003–10 Open office area.
101–17.003–11 Work station.
101–17.003–12 Administrative support space.
101–17.003–13 Joint use space.
101–17.003–14 Court space.
101–17.003–15 Postal space.
101–17.003–16 Inside parking space.
101–17.003–17 Outside parking space.
101–17.003–18 Space planning.
101–17.003–19 Space layout.
101–17.003–20 Space utilization.
101–17.003–21 Space inspection.
101–17.003–22 Space utilization survey.
101–17.003–23 Federal agency.
101–17.003–24 Executive agency.
101–17.003–25 Gross area.
101–17.003–26 Occupiable area.
101–17.003–27 Building support area.

Subpart 101–17.1—Assignment of Space

101–17.100 Scope of subpart.
101–17.101 Requests for space.
101–17.101–1 Form of request.
101–17.101–1a Type of request.
101–17.101–1b Certification of request.
101–17.101–2 Exceptions to submitting requests for space.
101–17.101–3 Action when space is not available.
101–17.101–4 Short-term use of conference and meeting facilities.
101–17.101–5 Space requirements for ADP equipment.
101–17.101–6 Procurement of parking for Government-owned vehicles.
101–17.102 Procedures for assigning space.
101–17.102–1 Assignment by GSA.
101–17.102–2 Assignment by agencies.
101–17.103 Application of socioeconomic considerations.

Subpart 101–17.2—Utilization of Space

101–17.200 Scope of subpart.
101–17.201 Responsibility of GSA.
101–17.201–1 Conduct of space inspections.
101–17.201–2 Conduct of space utilization surveys.
101–17.202 Responsibility of agencies.
101–17.203 Release of space not fully utilized.
101–17.204 Notice to GSA of relinquishment of assigned space.

Subpart 101–17.3—Space Standards, Criteria, and Guidelines

101–17.300 Scope of subpart.
101–17.301 Space allowances.
101–17.302 Use of occupancy guides.
101–17.303 Use of space allocation allowances.
101–17.304 Office space allowances.
101–17.304–1 Work station space allowances.
101–17.304–2 Administrative support space allowances.
101–17.305 Storage space allowances.
101–17.306 Special space allowances.
101–17.307 Private office space allowances.

Subpart 101–17.4—Space Planning and Layout

101–17.400 Scope of subpart.
101–17.401 Space planning assistance.
101–17.402 Use of contractual services for space planning.

Subpart 101–17.5—Providing Space in New Public Buildings

101–17.500 Scope of subpart.
101–17.501 General.
101–17.502 Responsibility of GSA.
101–17.503 Responsibility of agencies.
101–17.504 Postoccupancy evaluation.

Subparts 101–17.6—101–17.47 (Reserved)

Subpart 101–17.48—GSA Regional Offices

101–17.4800 Scope of subpart.
101–17.4801 GSA regional offices.

Subpart 101–17.49—Forms

101–17.4900 Scope of subpart.
101–17.4901 Standard forms.
101–17.4901–81 Standard Form 81, Request for Space.
101–17.4902 GSA forms.
101–17.4902–144 GSA Form 144, Space Requirements.

AUTHORITY: 63 Stat. 377, as amended (40 U.S.C. 285, 304c, 601 et seq., 490 note); E.O. 11512, 35 FR 3979.

§ 101–17.000 Scope of part.

This part prescribes the policies and procedures relative to the assignment and utilization of space in Government-owned and -leased buildings, or portions thereof, in the United States, the Commonwealth of Puerto Rico, and the Virgin Islands.

§ 101–17.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Act of July 1, 1898 (40 U.S.C. 285); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.); Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); and Executive Order 11512 of February 27, 1970 (35 F.R. 3979).

§ 101–17.002 Basic policy.

GSA shall acquire and utilize federally owned and leased office buildings and space located in the United States and shall issue standards and criteria for the use of such space. GSA shall assign and reassign such space to Federal agencies and certain non-Federal organizations. GSA and other Federal agencies shall be governed by the following policies for the assignment, reassignment, and utilization of office buildings and space.

(a) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and

the maintenance and improvement of safe and healthful working conditions for employees.

(b) In providing general purpose space, GSA will establish and maintain a balance between functional efficiency of agencies served and economy in space use.

(b) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies.

(c) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available.

(d) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space to improve management and administration.

(e) The availability of adequate low and moderate income housing on a nondiscriminatory basis for employees, nondiscrimination in the sale and rental of housing, accessibility from other areas of the urban center, and adequacy of parking facilities shall be considered.

(f) Whenever a space assignment requires the acquisition of space, the policies established in § 101–18.100 or § 101–19.002 shall apply to the acquisition.

§ 101–17.003 Definition of terms.

The following definitions are established for terms used in this Subchapter D.

§ 101–17.003–1 Space assignment.

"Space assignment" means an administrative action which authorizes the occupancy and use of building space, and land areas incidental thereto, by a Federal agency or other eligible entity.

§ 101–17.003–2 General purpose space.

"General purpose space" means space in buildings under the assignment responsibility of GSA, including land incidental to the use thereof which may be suitable for the use of agencies generally, as determined by GSA. The following categories of space are specifically excluded from this definition:

(a) Space in any building located in a foreign country.

(b) Space in buildings which are located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airbase, proving ground, missile site, military academy or school, or any similar facility of the Department of Defense or U.S. Coast Guard, unless and to such an extent as a permit for its use by other agencies shall have been issued by the Secretary of Defense, or the Secretary of Transportation, as appropriate, or their duly authorized representatives.

(c) Space in the Executive Mansion, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building.

§ 101–17.003–2a Types of general purpose space.

Space as defined in § 101–17.003–2 is categorized as being of the office, storage, or special type. The physical characteristics of the space are the basis for determining the proper space category.

(a) "Office space" means space that must provide an acceptable environment suitable in its present state for an office operation. This requirement includes, but is not limited to, adequate lighting, heating, ventilation, floor covering, finished walls, and accessibility. The space may consist of a large open area or may be partitioned into rooms. Private corridors, closets, and similar areas which have been created within office-type space through the erection of partitions shall be coded as office space. Office space is not classified by subsets. The following kinds of space are classified as office space:

(1) General purpose office space.

(2) Private corridors.

(3) Conference rooms (without special equipment and additional heating, ventilation, and air-conditioning—HVAC).

(4) Training rooms (without special equipment and HVAC).

(5) Libraries (without extensive built-in stacks and special floor loading).

(6) Dry laboratories.

(7) Storage in office space.

(8) Credit unions.

(9) Lounges (other than toilet areas).

(10) Reception areas.

(11) Hearing rooms (without special equipment and HVAC).

(12) Telephone switchboard rooms.

(13) Mail rooms.

(14) Health rooms (without special equipment).

(b) "Storage space" means space generally constructed of concrete, woodblock or unfinished floors, bare block or brick interior walls, unfinished ceiling, and similar construction containing minimal lighting and heating. This type of space would include attics, basements, warehouses, sheds, unimproved areas of loft buildings, and unimproved building cores. All storage space will be classified under subsets of general storage area, inside parking area, or warehouse areas as follows:

(1) General storage areas (storage in general purpose buildings).

(i) Basements.

(ii) Attics.

(iii) Closets (not finished to office standards).

(iv) Supply rooms (not finished to office standards).

(v) Storerooms (not finished to office standards).

(vi) File rooms (not finished to office standards).

(vii) Warehouse areas of multiuse buildings.

(2) Inside parking areas (garage space located in either a federally owned or leased building which is utilized for the parking of motor vehicles).

(i) Garages.

(ii) Parking area.

(iii) Motor pool parking.

(3) Warehouse areas (entire buildings with warehouse features, including minor amounts of supporting office space).

(c) "Special space" means space which, because architectural features or the installation of fixed (built-in) equipment and special utilities, necessitates the expenditure of varying sums to construct, maintain, and/or operate as compared to office and storage space. Special space will be further defined according to subsets of laboratory and clinic area, food service area, structurally changed area, automatic data processing area, conference and training area, light industrial area, and quarters and residential housing area as follows:

(1) Laboratory and clinic areas (space containing built-in equipment and utilities required for the qualitative or quantitative analysis of matter, experimentation, the processing of materials, and/or the physical welfare of employees or the public).

(i) Wet laboratories.

(ii) Clean laboratories.

(iii) Photographic laboratories.

(iv) Clinics.

(v) Health units and rooms (with special equipment).

(vi) Private toilets.

(2) Food service areas (space in building devoted to the preparation and dispensing of foodstuffs).

(i) Cafeterias (kitchens and table areas).

(ii) Snack bars.

(iii) Mechanical vending areas.

(iv) Private kitchens.

(3) Structurally changed areas (areas having architectural features differing from normal office or storage areas such as sloped floors, high ceilings, and increased floor loading).

(i) Auditoriums.

(ii) Gymnasiums.

(iii) Libraries (with special stacks and floor loading).

(iv) Target ranges.

(v) Security vaults.

(vi) Courtrooms.

(vii) U.S. Postal Service workrooms, lock box, screenline lobbies, and lookout areas that are not suspended.

(viii) Vertical improved mail system areas.

(4) Automatic data processing areas (areas having special features such as humidity and temperature control, raised flooring, and special wiring).

(i) Computer rooms.

(ii) Support areas (with special flooring and wiring).

(iii) Tape vaults.

(5) Conference and training areas (areas used for conferences, training, and hearings with special equipment and HVAC).

(i) Conference rooms.

(ii) Hearing rooms.

(iii) Training rooms.

(iv) Exhibit areas.

(v) Small courtrooms (no structural changes).

(6) Light industrial areas (storage with HVAC, printing plants, classifying laboratories, and shops).

(i) Records storage (with humidity control).

(ii) Storage type space (with air-conditioning).

(iii) Printing plants.

(iv) Product classifying laboratories.

(v) Motor Pool service areas.

(vi) Postal swingrooms, locker rooms, and mailing vestibules and platforms.

(vii) Shops (other than PBS).

(viii) Telephone frame rooms.

(ix) Canopy areas (if included in occupiable area).

(7) Quarters and residential housing areas (housing and quarters that do not logically fall in the other categories).

§ 101–17.003–3 Special purpose space.

"Special purpose space" means space in buildings under the assignment responsibility of GSA, including land incidental to the use thereof, which is wholly or predominantly utilized for the special purposes of an agency and not generally suitable for the use of other agencies, as determined by GSA.

§ 101–17.003–4 Government-owned space.

"Government-owned space" means space in buildings, and land incidental thereto, the title to which is vested in the United States Government.

§ 101–17.003–5 Leased space.

"Leased space" means space in buildings, and land incidental thereto, for which the Government has a right of occupancy by virtue of having acquired a leasehold interest.

§ 101–17.003–6 Permit space.

"Permit space" means space in buildings, and land incidental thereto, for which a right of occupancy has been granted by permit from another Federal agency.

§ 101–17.003–7 Occupancy guides.

"Occupancy guides" means printed guidelines developed jointly by GSA and the affected agency which outline the space requirements based on the functions, operations, and staffing of the particular agency for which they are developed.

§ 101–17.003–8 Private office.

"Private office" means a room occupied by one individual. This room may be enclosed by either ceiling-high or screen partitions.

§ 101–17.003–9 Semiprivate office.

"Semiprivate office" means a room not exceeding 400 square feet occupied by two or more individuals. This room may be enclosed by either ceiling-high or screen partitions.

§ 101–17.003–10 Open office area.

"Open office area" means an area exceeding 400 square feet that may contain work stations and/or administrative support functions. This area may be enclosed by either ceiling-high or screen partitions.

§ 101–17.003–11 Work station.

"Work station" means the area, furniture, equipment, and configuration required by one worker. It may be a private office or a portion of a semiprivate or open office area.

§ 101–17.003–12 Administrative support space.

"Administrative support space" means office space which is required in addition to work station space to house equipment and/or functions which an agency requires to properly perform its mission.

§ 101–17.003–13 Joint use space.

"Joint use space" means that common space available for use by all occupants of the building such as cafeterias, conference rooms, credit unions, and snack bars. It does not include mechanical, custodial, or circulation areas.

§ 101–17.003–14 Court space.

"Court space" means courtrooms, judges' chambers, jury rooms, and other nonoffice space directly related to the functioning of the following: The U.S. Court of Claims, U.S. Customs Court, Customs Court (Patent Appeals), Public Defender Service, U.S. District Courts, Referees in Bankruptcy, and the U.S. Court of Appeals.

§ 101–17.003–15 Postal space.

"Postal space" means space in which GSA has assignment responsibility which is assigned to the U.S. Postal Service for mail processing activities.

§ 101–17.003–16 Inside parking space.

"Inside parking space" means that motor pool space and parking space for Postal Service, official, employee, and visitor vehicles that is part of a building or in a structure specifically designed for vehicle parking.

§ 101–17.003–17 Outside parking space.

"Outside parking space" means that parking space not included in the inside parking space category, such as uncovered ground level parking areas or parking lots either paved or unpaved.

§ 101–17.003–18 Space planning.

"Space planning" means a study using the latest techniques to determine the best location and the most efficient layout of agency operations and equipment.

§ 101–17.003–19 Space layout.

"Space layout" means the specific placement of work stations, furniture, and equipment to provide maximum efficiency of an agency operation. This is normally accomplished by the use of templates.

§ 101–17.003–20 Space utilization.

"Space utilization" means the manner and the degree of efficiency in which Government-owned and -leased facilities are occupied.

§ 101–17.003–21 Space inspection.

"Space inspection" means a reconnaissance-type evaluation of the manner in which space assignments are being utilized to determine whether immediate or scheduled corrective action is indicated.

§ 101–17.003–22 Space utilization survey.

"Space utilization survey" means a detailed analysis, using recognized space management procedures and techniques, of the manner in which an agency is utilizing its space.

§ 101–17.003–23 Federal agency.

"Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

§ 101–17.003–24 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

§ 101–17.003–25 Gross area.

"Gross area" means the sum of the floor areas computed by measuring from the normal outside face of exterior walls, disregarding architectural setbacks or projections, cornices, pilasters, and buttresses, and including all stories or areas which have floor surfaces and a clear standing headroom of 6½ feet or more. Gross area includes basements (except unexcavated portions), attics, garages, roofed porches, mezzanines, loading platforms, shipping platforms, penthouses, mechanical equipment floors, lobbies, and corridors. Suspended postal lookout galleries are not included. Gross area does not include open courts, light wells, upper portions of rooms, lobbies and other areas which rise above the story being measured, drives or ramps extending beyond the principal exterior walls of the building, or unroofed areas such as cooling towers and unenclosed portions of ground level or intermediate stories.

§ 101–17.003–26 Occupiable area.

"Occupiable area" means that portion of the gross area which is available for use by an occupant's personnel or furnishings, including space which is available jointly to the various occupants of the building, such as auditoriums, health units, and snack bars. Occupiable area does not include that space in the building which is devoted to its operations and maintenance, including craft shops, gear rooms, and building supply storage and issue rooms. Occupiable areas is computed by measuring from the occupant's side ceiling-high corridor partitions or partitions enclosing mechanical, toilet, and/or custodial space to the finish of permanent exterior building walls or to the face of the convector if the convector occupies at least 50 percent of the length

of the exterior wall. When computing occupiable area separated by partitions, measurements are taken from the center line of such partitions.

§ 101–17.003–27 Building support area.

"Building support area" means that portion of the floor area that is not occupiable by an occupant's personnel or furnishings. It consists of the mechanical, toilet, custodial, circulation, and construction areas including their enclosing walls and represents the difference between gross area and occupiable area.

Subpart 101–17.1—Assignment of Space

§ 101–17.100 Scope of subpart.

This subpart prescribes the responsibilities and procedures which are applicable to the assignment of space to Federal agencies and other entities entitled to occupy space in Government-owned and -leased buildings.

§ 101–17.101 Requests for space.

(a) Except as provided in § 101–17.101–2, Federal agencies shall satisfy their space needs by submitting a request in the proper form to the GSA regional office responsible for the geographic area in which the space is located. A listing of GSA regional offices and the areas they serve is shown in § 101–17.4801.

(b) Heads of executive agencies shall:

(1) Cooperate with and assist the Administrator of General Services in carrying out his responsibilities with respect to buildings and space;

(2) Give the Administrator of General Services early notice of new or changing space requirements;

(3) Economize in their requirements for space; and

(4) Review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

§ 101–17.101–1 Form of request.

Space requests, except those for space in proposed buildings included in the Public Buildings Construction Program, shall be submitted on Standard Form 81, Revised, Request for Space. (See § 101–17.4901–81, Request for Space). Requests for space in buildings proposed for construction shall be submitted to GSA on GSA Form 144. Space Requirements. (See § 101–17.4902–144.)

§ 101–17.101–1a Type of request.

The type of request shall be indicated on Standard Form 81, Request for Space.

(a) An initial request means a request for space in a location where an agency does not presently occupy any space or where space is required for new agencies or new missions of existing agencies.

(b) A supplemental request means a request for space in a location where an agency already occupies space but needs additional space to provide for expanding program responsibilities.

(c) A replacement request means a request for space to replace that occupied by an agency as a result of a relocation or a consolidation of agency activities.

§ 101–17.101–1b Certification of request.

The need for space requested and the availability of funds, as appropriate, for reimbursement to GSA shall be certified by an authorized official of the requesting agency on the Standard Form 81. The certification will also state that the request is in compliance with §§ 101–17.103, 101–18.107, and 101–19.101 of this subchapter which require the requesting agency to submit documentation that the availability of low and middle class housing in the delineated area has been cleared with the Department of Housing and Urban Development.

§ 101–17.101–2 Exceptions to submitting requests for space.

Standard Form 81 need not be filed by Federal agencies when the space desired or to be acquired is:

(a) General purpose space of 2,500 square feet or less falling within the geographical area where leasing authority has been delegated to the agency. (See § 101–18.104.)

(b) Special purpose space of 2,500 square feet or less irrespective of geographical location.

(c) Commercial space acquired by lease by the U.S. Postal Service for postal purposes.

(d) Space for short-term conferences and meetings. (See §101–17.101–4.)

§ 101–17.101–3 Action when space is not available.

If no suitable Government-controlled space is available, GSA will so advise by the return of a signed copy of the Standard Form 81, showing thereon the action to be taken.

(a) When the agency has acquisition authority or has been delegated such authority by the Administrator of General Services it may thereupon proceed to acquire the requested space. The signed copy of the Standard Form 81 shall be attached to the leasing or related instrument made available to the General Accounting Office. Such clearances are extended on a fiscal year or part of a fiscal year basis, except in these instances in which the acquiring activity uses longer term leasing authority.

(b) GSA may take necessary action to acquire space for agencies having acquisition authority when the latter so request by checking the appropriate block on Standard Form 81.

(c) GSA will take the necessary action to acquire the space for agencies having no acquisition authority.

§ 101–17.101–4 Short-term use of conference and meeting facilities.

Agencies having a need for facilities for short-term conferences and meetings shall contact GSA informally to make their requirements known. GSA will determine if suitable Government-owned facilities are available in the desired area and, if so, will notify the requesting agency of its assignment. If no suitable facilities are available, GSA will assist or advise agencies in arranging for the use of privately owned facilities when agencies have authority to contract by purchase order or other means. Payment for use of privately owned conference or meeting rooms is, in fact, payment for the services and furnishings that are provided. Such services and furnishings, in addition to the facilities (auditorium, conference room, meeting room, etc.), would include chairs (already placed as requested by the user), rostrum with tables and chairs, posting of notices on appropriate building bulletin board, amplifier system, screen and motion picture projector, and other special equipment needed. GSA may obtain privately owned conference and meeting facilities by service contract on an hourly rate basis where combined requirements of the Federal agencies in a particular area would justify an open end service contract for such space for intermittent use periods or for an extended period of time.

§ 101–17.101–5 Space requirements for ADP equipment.

(a) Agencies requiring space for the installation of data processing equipment must provide the following information in addition to the requirements of § 101–17.101–1:

(1) Type of equipment (including make, model number, manufacturer, and number of units of each);

(2) Space and environmental requirements, including;

(i) Floor weight (lbs.);

(ii) Machine dimensions (width, depth, and height in inches);

(iii) Service clearance (front, rear, right and left sides);

(iv) Power in voltage and kv.-a. (starting loads and operating loads);

(v) Heat dissipation in B.t.u./hr. and air flow (c.f.m.);

(vi) Environmental factors of temperature range (F) and relative humidity; and

(vii) Need for raised floor, acoustic ceiling, and air-conditioning;

(3) Related requirements, such as storage space for supplies, tapes, and disks; work space, including desk and aisle space; and future expansion needs;

(4) Agency responsible for funding; and

(5) Required occupancy date.

(b) The above information should be provided as separate supplemental data to Standard Form 81, Request for Space, and forwarded to the GSA regional office as outlined in § 101–17.101. The space requirements indicated in block 11 of Standard Form 81 must include the space requirements for all components of ADPE. The ADPE supplier should be consulted prior to establishing space needs in order to ascertain any specific or peculiar space requirements of the ADPE involved.

(c) It is essential that this information regarding the requirement for ADP

space be transmitted to GSA as far as possible in advance of delivery of equipment so that space can be provided in a timely and economical manner.

§ 101–17.101–6 Procurement of parking for Government-owned vehicles.

Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.102, for Government-owned motor vehicles not regularly housed by GSA, shall, prior to initiating procurement action for parking accommodations, make their needs for such facilities known to the appropriate GSA regional office. The request, which may be in the form provided in Standard Form 81, Request for Space, will be reviewed by GSA to determine the availability of Government-owned or -controlled space. The agency will be notified promptly should no such space be available. This notification will become a part of the file supporting the subsequent procurement.

§ 101–17.102 Procedures for assigning space.

§ 101–17.102–1 Assignment by GSA.

(a) GSA will perform all functions with respect to the assignment and reassignment of space:

(1) In Government-owned buildings which GSA controlled for assignment and reassignment purposes on June 30, 1950.

(2) In specific Government-owned buildings for which assignment and reassignment functions were transferred to GSA pursuant to section 1 of Reorganization Plan No. 18 of 1950 (3 CFR; 40 U.S.C. 490 note).

(3) In Government-owned buildings or space acquired by GSA by purchase, condemnation, transfer, lease, or otherwise.

(b) GSA may, in accordance with policies and directives prescribed by the President, including Executive Order 11512 of February 27, 1970 (35 F.R. 3979), under sec. 205(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a)), and after consultation with the agencies affected, assign and reassign space of any executive agencies after determining that such assignments or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

§ 101–17.102–2 Assignment by agencies.

Except for the space covered by § 101–17.102–1(a), and subject to the provisions of § 101–17.102–1(b), agencies may perform all functions with respect to the assignment and reassignment of space. The Administrator of General Services may, in specific cases, authorize executive agencies to perform any of the functions described in § 101–17.102–1(a).

§ 101–17.103 Application of socioeconomic considerations.

(a) Agencies shall cooperate with GSA in coordinating proposed programs and plans for buildings and space in a manner designed to exert a positive economic and social influence on the development or redevelopment of the areas in which such facilities will be located.

(b) Whenever actions are proposed to accomplish the reassignment or utilization of space through the relocation of an existing major work force but do not invclve the acquisition of buildings or leased space, the impact on low- and moderate-income and minority employees shall be considered where:

(1) 100 or more low- and moderate-income employees are expected to be employed in the new space; and

(2) The relocation involves residential relocation of a majority of the existing low- and moderate-income work force, a significant increase in their transportation or parking costs, travel time that exceeds 45 minutes to the new location or a 20 percent increase in travel time if travel time to the present facility already exceeds an average of 45 minutes.

(c) The Department of Housing and Urban Development will be consulted concerning the availability on a nondiscriminatory basis of low- and moderate-income housing to the project area for those Federal employees who will work in the space to be assigned or reassigned when the action meets the criteria in paragragh (b) of this section.

(d) When, after consultation, it is determined that (1) there is a lack of low- and moderate-income housing on a nondiscriminatory basis within reasonable proximity and (2) the location is not readily accessible from other areas of the urban center, an affirmative action plan shall be developed as described in § 101–19.101–4 with agency participation as described in § 101–19.101–5.

Subpart 101–17.2—Utilization of Space

§ 101–17.200 Scope of subpart.

This subpart prescribes the principles and objectives of GSA in regard to the full and efficient utilization of Government-owned and -leased space. The efficient utilization of space is closely related to the assignment functions of GSA, and, therefore, this subpart shall be considered in the light of the policies and procedures in Subpart 101–17.1, Assignment of Space.

§ 101–17.201 Responsibility of GSA.

(a) GSA will assign agencies sufficient space to carry out their programs, provided that the need for such space is justified to the satisfaction of GSA.

(b) GSA will conduct space inspections and space utilization surveys to promote and enforce efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of GSA as being required. Adequate advance notice of the planned survey will be given to the agency concerned.

§ 101–17.201–1 Conduct of space inspections.

GSA will plan space inspections at periodic intervals on a community, building, or agency basis as appropriate. Inspections will be made in an orderly manner, on the basis of a floor-by-floor and room-by-room check of all assigned space. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency, and those which are planned by GSA.

§ 101–17.201–2 Conduct of space utilization surveys.

Space utilization surveys are made to ascertain whether a current assignment can be made more efficient and economical. These surveys may be scheduled as a result of a request for space, an action to improve utilization, an assignment action requiring a relocation of an activity, or as a result of a space inspection. Agencies will be kept informed of space utilization surveys and actions related thereto by the appropriate GSA regional office listed in § 101–17.4801.

§ 101–17.202 Responsibility of agencies.

It is the responsibility of the agencies to assist and cooperate with GSA in the assignment and utilization of space, including the furnishing of data relative to the use of the space occupied, and personnel housed or to be housed. It is the further responsibility of the agencies continuously to study and survey space occupied under assignment by GSA and other space which is controlled by the agencies, to insure efficient and economical space utilization. It is also the responsibility of those agencies which control space to report to GSA any space which is excess to their needs and which might be assigned to other agencies.

§ 101–17.203 Release of space not fully utilized.

The space utilization program is designed to effect maximum efficient utilization of Government-owned and -leased space. Space for which there is no current foreseeable need will be relinquished.

§ 101–17.204 Notice to GSA of relinquishment of assigned space.

(a) GSA shall be notified by an agency occupying space assigned by GSA at least 60 days prior to the date on which the space, or portion thereof, will no longer be needed. In no event, however, shall such notice be given less than 30 days prior to the date on which a lease termination notice must be issued. Such notification shall be submitted in writing to the GSA regional office responsible for the geographical area in which the space is located, giving a description of the area involved, its location, and the estimated date of release. When a portion of space is released, it must be consolidated and accessible for reassignment. The appropriate GSA regional office may reassign or dispose of the space. Where the agency has certified on an SF 81 to a long term lease for special and/or location space, (i.e., laboratories, etc., and/or space in a suburban location) that cannot be utilized or backfilled by another agency, the using agency will be held responsible for

standard level user charges until such time as the lease can be canceled.

(b) When an agency is responsible for operation, maintenance, and protection of Government-owned space to which it has been assigned by GSA, and the agency determines that such space, or a portion thereof, is no longer needed, the agency shall so notify GSA at least 6 months prior to relinquishing the space in the same manner as indicated in paragraph (a) of this section. The operation, protection, and maintenance of the real property or portion thereof to be released shall continue to be the responsibility of the agency until the first day of the fiscal quarter after the 6-month period ends.

Subpart 101–17.3—Space Standards, Criteria, and Guidelines

§ 101–17.300 Scope of subpart.

This subpart identifies those factors affecting office layout which must be considered in connection with achieving more efficient layouts and better space utilization.

§ 101–17.301 Space allowances.

Space allowances are derived from specific studies of the operations of the agencies, and are directed toward providing each employee with enough space to work efficiently.

§ 101–17.302 Use of occupancy guides.

The objectives of the occupancy guide program are to improve agency operations and promote economic and prudent utilization of federally owned and leased space through the development and application of occupancy standards and criteria for specific agencies and activities. Each occupancy guide represents an agreement between GSA and the agency as to the latter's space requirements and is written in terms which permit nationwide application. The criteria contained in occupancy guides will be used as a basis for estimating agency space requirements for those agencies for which guides have been published and allowances are considered to be maximum. Occupancy guides will be reviewed jointly by GSA and the agencies and revised to conform with the allowances contained in this Subpart 101–17.3.

§ 101–17.303 Use of space allocation allowances.

(a) The space allowances listed in §§ 101–17.304–1 and 101–17.304–2 are to be used in space planning for agencies or components thereof for which occupancy guides have not been published. In addition, these allowances are applicable for all agency headquarters activities.

(b) Work station space allowances listed in § 101–17.304–1 shall not necessarily be used as criteria for assigning space to individuals. Rather, they should be used to estimate that portion of the total office space that is required for work stations.

§ 101–17.304 Office space allowances.

The amount of office space developed by application of these allowances should normally be sufficient to house office elements of executive agencies. It is recognized, however, that agency functions and needs and physical variations in buildings will cause deviations in the determination of the amount of space assigned, and its division into private, semiprivate, open areas, or other uses will be based upon a templated layout which reflects the optimum use of the space and the workflow requirements of the using agency.

§ 101–17.304–1 Work station space allowances.

Grade	Type of assignment (supervisory means supervision of or frequent meetings with three or more employees within the office confines)	Office space allowance (square foot per person) [1]
GS 1 to 6		60
GS 7 to 11	Nonsupervisory	75
GS 7 to 11	Supervisory	100
GS 12 to 13	Nonsupervisory	100
GS 12 to 13	Supervisory	150
GS 14 to 15	Nonsupervisory	150
GS 14 to 15	Supervisory	225
GS 16, 17, and 18		300

[1] Head of agency and deputy (departmental) not prescribed.

§ 101–17.304–2 Administrative support space allowances.

The following space allowance table is to be used in determining the amount of administrative support space required in office space planning. Although work stations may be interspersed in administrative support areas, allowances for administrative support areas may not be added to allowances for work stations.

SPACE ALLOWANCE TABLE FOR COMMON FUNCTIONS

Conference and meeting rooms	On 50 percent time/use basis @ 20 square feet per person, based on average number of persons in attendance.
Classrooms and training rooms	Desk/arm chair @ 10 square feet per person. Desk and chair @ 40 square feet per person.
Exhibit areas File rooms Internal duplicating Libraries Mail rooms Supply rooms	Actual measurement of equipment plus circulation.

Examples of allowances for furniture are shown below. Other allowances may be determined by actual measurement of the furniture or equipment plus circulation.

Table, 30 by 60 inches	25 square feet
File, letter	7 square feet
File, legal	8 square feet
File, shelf, 14 by 36 inches	7 square feet
Cabinet, storage, 18 by 36 inches	7 square feet

§ 101–17.305 Storage space allowances.

Storage space shall be estimated by application of the allowances in § 101–17.304–2 where standard storage equipment (file cabinets, shelving, and safes) is used. When such is not the case (such as bulk storage of furniture, equipment, and supplies), a careful estimate of the space requirement must be made by on-site inspection, giving due consideration to warehousing techniques.

§ 101–17.306 Special space allowances.

To the extent possible, space for special use shall be estimated on the basis of specialized standards, such as those for laboratory equipment. Distributors of specialized equipment can readily provide information on space required to house particular items of equipment, and their advice should be used whenever possible. The criteria contained in § 101–17.304 may be used to estimate space required for conference rooms, classrooms, and training rooms.

§ 101–17.307 Private office space allowances.

Private offices should be provided only when there is a demonstrated functional need. They should be only large enough for the occupant to conduct his normal business in an efficient manner and with a reasonable degree of dignity. The normal maximum allowance for private offices is 300 square feet, but this should be considered only in instances in which it is necessary for the occupant to confer frequently with sizable groups of people, and a conference room is not convenient.

Subpart 101–17.4—Space Planning and Layout

§ 101–17.400 Scope of subpart.

This subpart outlines the methods used in the planning and layout of space assignments and prescribes the conditions governing GSA—agency coordination.

§ 101–17.401 Space planning assistance.

GSA shall be responsible for preparing the initial space layout. When an agency requires subsequent space layout assistance, a request for such assistance should be made to the regional office of GSA responsible for the geographical area in which the space is located. In consultation with the agency, GSA will determine the scope of assistance required and will provide such service on a reimbursable basis either by use of existing staff or by contract.

§ 101–17.402 Use of contractual services for space planning.

No Federal agency shall, without the written approval of GSA, enter into a contract for interior office design or space layout, with any non-Federal firm or individual. When it is determined that a contract is required, GSA, with the advice of the agency, will enter into the contract and supervise the contractor's performance. The contract will be completely reimbursable by the requesting agency.

Subpart 101–17.5—Providing Space in New Public Buildings

§ 101–17.500 Scope of subpart.

This subpart prescribes the procedures and objectives governing space planning for new public buildings.

§ 101–17.501 General.

Modern space layout principles, which contribute to good space management and operational efficiency, are particularly appropriate in the case of new buildings. Full coordination, strict observance of the design schedule, and followup action are required to insure maximum return to the Government in terms of efficiency and economy.

§ 101–17.502 Responsibility of GSA.

GSA will be responsible for the space planning and layout in all new buildings. Regional offices of GSA will forward layout plans to occupant agencies for review and coordination and, at the same time, notify the agencies of the date beyond which design changes cannot be accepted.

§ 101–17.503 Responsibility of agencies.

Agencies are responsible for making their needs known to GSA on a timely basis; providing cooperation and assistance if required in the preparation of space layouts; and requesting necessary changes prior to the design cutoff date. (See also § 101–19.204.)

§ 101–17.504 Postoccupancy evaluation.

GSA will conduct a postoccupancy evaluation of major new buildings approximately 6 months after the date of occupancy. This evaluation, which will take the form of space inspections or space utilization surveys as described in Subpart 101–17.2, Utilization of Space, will be conducted to promote space economy.

Subparts 101–17.6–101–17.47 [Reserved]

Subpart 101–17.48—GSA Regional Offices

§ 101–17.4800 Scope of subpart.

This subpart identifies the regional offices of GSA, describes the geographical areas of jurisdiction, and lists the office address.

§ 101–17.4801 GSA regional offices.

GSA region	Area served	Mailing address
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	General Services Administration, Post Office and Courthouse, Boston, MA 02100.
2	New Jersey, New York, Puerto Rico, and the Virgin Islands.	General Services Administration, 26 Federal Plaza, New York, NY 10007.
3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.	General Services Administration, Region 3, Washington, DC 20407.
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.	General Services Administration, 1776 Peachtree Street, NW., Atlanta, GA 30309.
5	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	General Services Administration, 219 South Dearborn Street, Chicago, IL 60604.
6	Iowa, Kansas, Missouri, and Nebraska.	General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131.
7	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.
8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.	General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.
9	Arizona, California, Hawaii, and Nevada.	General Services Administration, 49 Fourth Street, San Francisco, CA 94103.
10	Alaska, Idaho, Oregon, and Washington.	General Services Administration, GSA Center, Auburn, WA 98002.

Subpart 101–17.49—Forms

§ 101–17.4900 Scope of subpart.

This subpart contains information on forms that pertain to the assignment and utilization of space and instructions in their use.

§ 101–17.4901 Standard forms.

(a) Forms referenced to this § 101–17.4901 are Government standard forms. The subsection numbers in this section correspond with the standard form numbers.

(b) Supplies of standard forms can be obtained from the nearest GSA supply distribution facility.

§ 101–17.4901–81 Standard Form 81, Request for Space.

NOTE: Form filed as part of original document.

§ 101–17.4902 GSA forms.

(a) Forms referenced to this § 101–17.4902 are GSA forms. The subsection numbers in this section correspond to the GSA form number.

(b) Agencies may obtain their initial supply of GSA forms from General Services Administration (3BRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAF), Washington, DC 20405.

§ 101–17.4902–144 GSA Form 144, Space Requirements.

NOTE: Form filed as part of original document.

PART 101–18—ACQUISITION OF REAL PROPERTY

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Subparts 101–18.4—101–18.49 [Reserved]

AUTHORITY: 63 Stat. 377 (40 U.S.C. 304c, 471, 490, 601–615); 73 Stat. 479; (40 U.S.C. 490 note); (42 U.S.C. 4201–4244); 40 U.S.C. 531–535); E.O. 11512, 35 FR 3979; 84 Stat. 1894.

§ 101–18.000 Scope of part.

This part prescribes policies and procedures governing acquisition of interests in real property.

§ 101–18.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377 (40 U.S.C. 471 and 490); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), 73 Stat. 479; Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4244; 40 U.S.C. 531–535); Executive Order 11512 of February 27, 1970 (35 FR 3979); Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646), 84 Stat. 1894, approved January 2, 1971; and the Rural Development Act of 1972.

§ 101–18.002 Basic policy.

GSA will lease space in privately owned buildings when needs cannot be met in Government-owned or presently leased space; acquire and manage sites for public buildings and assist agencies to acquire sites to meet program requirements; acquire real property by voluntary conveyance, or, when necessary, by condemnation, and provide relocation assistance in real property acquisitions.

§ 101–18.003 Definitions.

The following definitions are established for terms used in this Subchapter D.

§ 101–18.003–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.003–2 Uneconomic remnant.

"Uneconomic remnant" means that portion of an ownership remaining after acquisition, the retention of which provides no benefit to the owner because of loss or difficulty of access, a changed highest and best use, remoteness, or any other reason resulting in burdening the owner thereof with expenses or responsibilities not commensurate with retention of ownership.

§ 101–18.003–3 Person.

"Person" means any individual, partnership, corporation, or association.

§ 101–18.003–4 Displaced person.

(a) "Displaced person" means any person who on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) The acquisition of that real property by GSA in whole or in part; or

(2) Receipt from GSA of a written notice of displacement under a program or project undertaken by a Federal agency or with Federal financial assistance.

(b) For purposes of receiving moving and related expenses payments and receiving relocation advisory assistance, a displaced person also is a person meeting the provisions of this section who conducts a business or farm operation on such real property.

(c) For purposes of qualifying for relocation benefits as provided in this Part 101–18, a displaced person is a person who moves as the result of the notice referenced in § 101–18.003–4(a)(2) regardless of whether his real property is actually acquired.

§ 101–18.003–5 Business.

"Business" means any lawful activity except a farm operation conducted primarily:

(a) For the purchase, sale, lease, or rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) For (in accordance with section 202(a) of the Act) assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

§ 101–18.003–6 Farm operation.

"Farm operation" means any activity conducted mainly or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 101–18.003–7 Mortgage.

"Mortgage" means such classes of liens as are commonly given to secure advances on or the unpaid purchase price of real property under the laws of the State in which the real property is located, with any credit instruments secured thereby.

§ 101–18.003–8 Comparable replacement dwelling.

"Comparable replacement dwelling" means a dwelling which, when compared with the dwelling being taken, is:

(a) Decent, safe, and sanitary (sound, clean, weathertight), and meets local housing codes and criteria specified in § 101–18.303.

(b) Functionally equivalent and substantially the same with respect to age, construction, state of repair, number of rooms, and square feet of living area.

(c) Open to all persons and meets the provisions of Title VIII of the Civil Rights Act of 1968 (Public Law 90–284).

(d) Located in an area not generally less desirable than the dwelling to be acquired regarding the neighborhood, public utilities, and commercial facilities and is reasonably accessible to the displaced person's place of employment.

(e) Available on the market and within the financial means of the displaced person or family.

(f) Adequate to accommodate the displaced person.

§ 101–18.003–9 Initiation of negotiations.

"Initiation of negotiations" means the date on which an official representative of GSA makes the first personal contact with an owner (or his duly authorized representative) of real property to be acquired by GSA and furnishes him with a written offer to purchase the property.

§ 101–18.003–10 Owner.

"Owner" means an individual (or individuals) who:

(a) Holds the fee title, a life estate, or a 99-year lease; or

(b) Has an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit; or

(c) Is the contract purchaser of any such estates or interests listed in paragraph (a) of this section; or

(d) Has succeeded to any of the interests in paragraph (a) or (b) of this section, by devise, bequest, inheritance, or operation of law. For the purposes of

this subpart, if a person acquires ownership by any of the methods listed in this paragraph, the tenure of ownership, not the occupancy of the succeeding owner, shall be the same as the tenure of the preceding owner.

§ 101–18.003–11 Dwelling.

"Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single-family building, a one-family unit in a multifamily building, a unit of a condominium or cooperative housing project, or any other residential unit, including a mobile home which either is considered to be real property under State law, cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe, and sanitary dwelling.

§ 101–18.003–12 Nonprofit organization.

"Nonprofit organization" means a corporation, partnership, individual, or other public or private entity engaged in a business, professional, or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of the business, professional, or institutional activity on the premises.

§ 101–18.003–13 Existing patronage.

"Existing patronage" is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

§ 101–18.003–14 Family.

"Family" means two or more individuals living together in the same dwelling who are related to each other by blood, marriage, adoption, legal guardianship, or operation of law.

§ 101–18.003–15 Moving and related expense payments.

"Moving and related expense payments" means those payments authorized by section 202 of the Act.

§ 101–18.003–16 Replacement housing payments.

"Replacement housing payments" means those payments authorized by section 203 of the Act.

§ 101–18.003–17 Replacement rental payments.

"Replacement rental payments" means those payments authorized by section 204 of the Act.

§ 101–18.003–18 Notice of displacement.

"Notice of displacement" means a written notice to vacate real property given by GSA generally 90 days prior to the date of vacation.

§ 101–18.003–19 Economic rent.

"Economic rent" means the amount of rent a displaced occupant would have to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired by the Government.

Subpart 101–18.1—Acquisition by Lease

§ 101–18.100 Basic policy.

(a) GSA will lease space in privately owned buildings and land only when needs cannot be satisfactorily met in Government-owned or presently leased space, and when the construction or alteration of a Federal building or the purchase of a privately owned building is not warranted because requirements in the community are insufficient or are indefinite in scope or duration, or completion of a new building within a reasonable time cannot be insured.

(b) Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities.

(c) Acquisition of space by lease will be by negotiation except where all the factors are present which will permit true competition and where the formal sealed bid method is required by law. In negotiating, competition will be obtained to the maximum extent practical among suitable available locations meeting minimum Government requirements.

(d) When considering acquisition or when acquiring space by lease, and subject to the provisions of § 101–18.107;

(1) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions, the Administrator of General Services will consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available;

(5) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration; and

(6) The availabiilty of adequate low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing, adequate access from other areas of the urban center, and adequacy of parking shall be considered.

(e) Lease-construction projects required to be authorized in accordance with or in the manner provided by the provisions of the Public Buildings Act of 1959 will be, to the greatest extent practicable, consistent with State, regional, and local plans, programs, and local zoning regulations; and Governors, local elected officials, and regional comprehensive planning agencies will be consulted in the planning of the proposed development of such Federal facilities.

(f) Insofar as practicable, leased space for new offices and other facilities will be located in areas or communities of low population density, due consideration being given to the provisions of Executive Order 11512 of February 27, 1970 (35 F.R. 2979).

§ 101–18.101 Acquisition by GSA.

(a) GSA will perform all leasing functions of building space, and land incidental thereto, for Federal agencies except as provided in this Subpart 101–18.1.

(b) Agencies authorized to acquire space by lease may request GSA to perform such leasing functions in specific instances.

(c) Agencies not authorized to acquire space by lease, or agencies which have requested GSA to provide leased space for their activities, shall not directly or indirectly contact lessors or potential lessors for the purpose of making oral or written promises, commitments, or agreements with respect to the conditions of occupancy of particular space, alterations and repairs, or payment of overtime services.

§ 101–18.102 Acquisition by other agencies.

(a) The Departments of Agriculture, Commerce, and Defense may lease their own building space, and land incidental to its use, and provide for its operation, maintenance, and custody when the space is situated outside an urban center. Urban centers are:

Aberdeen, S. Dak.:
Brown County.
Abilene, Tex.:
Jones County.
Taylor County.
Akron, Ohio:
Portage County.
Summit County.
Alaska:
The entire State.
Albany, Ga.:
Dougherty County.
Albany, Ill.:
Whiteside County.
Albany, Oreg.:
Linn County.
Albany-Schenectady-Troy, N.Y.:
Albany County.
Rensselaer County.
Saratoga County.
Schenectady County.
Albuquerque, N. Mex.:
Bernalillo County.
Alexandria, La.:
Rapides Parish.

Allentown-Bethlehem-Easton, Pa.-N.J.:
Lehigh County, Pa.
Northampton County, Pa.
Warren County, N.J.
Altoona, Pa.:
Blair County.
Amarillo, Tex.:
Potter County.
Randall County.
Anaheim-Santa Ana-Garden Grove, Calif.:
Orange County.
Ann Arbor, Mich.:
Washtenaw County.
Asheville, N.C.:
Buncombe County.
Athens, Ga.:
Clarke County.
Atlanta, Ga.:
Clayton County.
Cobb County.
De Kalb County.
Fulton County.
Gwinnett County.
Atlantic City, N.J.:
Atlantic County.
Augusta, Ga.-S.C.:
Richmond County, Ga.
Aiken County, S.C.
Augusta, Maine:
Kennebec County.
Austin, Tex.:
Travis County.
Bakersfield, Calif.:
Kern County.
Baltimore, Md.:
Baltimore City.
Anne Arundel County.
Baltimore County.
Carroll County.
Howard County.
Baton Rouge, La.:
East Baton Rouge Parish.
Battle Creek, Mich.:
Calhoun County.
Bay City, Mich.:
Bay County.
Beaumont-Port Arthur, Tex.:
Jefferson County.
Orange County.
Billings, Mont.:
Yellowstone County.
Binghamton, N.Y.-Pa.:
Broome County, N.Y.
Tioga County, N.Y.
Susquehanna County, Pa.
Birmingham, Ala.:
Jefferson County.
Bismarck, N. Dak.:
Burleigh County.
Boise, Idaho:
Ada County.
Boston, Mass.:
Essex County.
Middlesex County.
Norfolk County.
Plymouth County.
Suffolk County.
Bridgeport, Conn.:
Fairfield County.
New Haven County.
Brockton, Mass.:
Bristol County.
Norfolk County.
Plymouth County.
Brownsville-Harlingen-San Benito, Tex.:
Cameron County.
Buffalo, N.Y.:
Erie County.
Niagara County.
Burlington, Vt.:
Chittenden County.
Butte, Mont.:
Silver Bow County.
Calexico-El Centro, Calif.:
Imperial County.
Canton, Ohio:
Stark County.
Casper, Wyo.:
Narrona County.
Cedar Rapids, Iowa:
Linn County.
Champaign-Urbana, Ill.:
Champaign County.
Charleston, S.C.:
Berkeley County.
Charleston County.
Charleston, W. Va.:
Kanawha County.
Charlotte, N.C.
Mecklenburg County.
Union County.
Charlottesville, Va.:
Charlottesville City.
Albemarle County.
Chattanooga, Tenn.-Ga.:
Hamilton County, Tenn.
Walker County, Ga.
Cheyenne, Wyo.:
Laramie County.
Chicago, Ill.:
Cook County.
Du Page County.
Kane County.
Lake County.
McHenry County.
Will County.
Cincinnati, Ohio-Ky-Ind.:
Clermont County, Ohio.
Hamilton County, Ohio.
Warren County, Ohio.
Boone County, Ky.
Campbell County, Ky.
Kenton County, Ky.
Dearborn County, Ind.
Cleveland, Ohio:
Cuyahoga County.
Geauga County.
Lake County.
Medina County.
Clinton, Okla.:
Custer County.
Cody, Wyo.:
Park County.
Colorado Springs, Colo.:
El Paso County.
Columbia, Mo.:
Boone County.
Columbia, S.C.:
Lexington County.
Richland County.
Columbus, Ga.-Ala.:
Chattahoochee County, Ga.
Muscogee County, Ga.
Russell County, Ala.
Columbus, Ohio:
Delaware County.
Franklin County.
Pickaway County.
Concord, N.H.:
Merrimack County.
Corpus Christi, Tex.:
Nuaces County.
Dallas, Tex.:
Collin County.
Dallas County.
Denton County.
Ellis County.
Davenport-Rock Island-Moline, Iowa-Ill.:
Scott County, Iowa.
Henry County, Ill.
Rock Island County, Ill.
Dayton, Ohio:
Greene County.
Miami County.
Montgomery County.
Preble County.
Decatur, Ill.:
Macon County.
Denver, Colo.:
Adams County.
Arapahoe County.
Boulder County.
Denver County.
Jefferson County.
Des Moines, Iowa:
Polk County.
Detroit, Mich.:
Macomb County.
Oakland County.
Wayne County.
Dubuque, Iowa:
Dubuque County.
Duluth-Superior, Minn.-Wis.:
St. Louis County, Minn.
Douglas County, Wis.
Durango, Colo.:
La Plata County.
Durham, N.C.:
Durham County.
Elkins, W. Va.:
Randolph County.
El Paso, Tex.:
El Paso County.
Erie, Pa.:
Erie County.
Eugene Oreg.:
Lane County.
Evansville, Ind.-Ky.:
Vanderburgh County, Ind.
Warrick County, Ind.
Henderson County, Ky.
Fall River, Mass.-R.I.:
Bristol County, Mass.
Newport County, R.I.
Fargo-Moorhead, N. Dak.-Minn.:
Cass County, N. Dak.
Clay County, Minn.
Fayetteville, N.C.:
Cumberland County.
Fitchburg-Leominster, Mass.:
Middlesex County.
Worcester County.
Flint, Mich.:
Genesee County.
Lapeer County.
Fort Collins, Colo.:
Larimer County.
Fort Lauderdale-Hollywood, Fla.:
Broward County.
Fort Smith, Ark.-Okla.:
Crawford County, Ark.
Sebastian County, Ark.
Le Flore County, Okla.
Sequoyah County, Okla.
Fort Wayne, Ind.:
Allen County.
Fort Worth, Tex.:
Johnson County.
Tarrant County.
Frankfort, Ky.:
Franklin County.
Fresno, Calif.:
Fresno County.
Gadsden, Ala.:
Etowah County.
Gainesville, Fla.:
Alachua County.
Galveston-Texas City, Tex.:
Galveston County.
Gary-Hammond-East Chicago, Ind.:
Lake County.
Porter County.
Grand Forks, N. Dak.:
Grand Forks County.
Grand Island, Nebr.:
Hall County.
Grand Junction, Colo.:
Mesa County.
Grand Rapids, Mich.:
Kent County.
Ottawa County.
Great Falls, Mont.:
Cascade County.
Greeley, Colo.:
Weld County.
Green Bay, Wis.:
Brown County.
Greensboro-High Point, N.C.:
Guilford County.

Greenville, S.C.:
Greenville County.
Pickens County.
Greenwood, Miss.:
Le Flore County.
Hamilton-Middletown, Ohio:
Butler County.
Harrisburg, Pa.:
Cumberland County.
Dauphin County.
Perry County.
Hartford, Conn.:
Hartford County.
Middlesex County.
Tolland County.
Hawaii:
The entire State.
Helena, Mont.:
Lewis and Clark County.
Hot Spring, Ark.:
Garland County.
Houston, Tex.:
Harris County.
Huntington-Ashland, W. Va.-Ky.-Ohio:
Cabell County, W. Va.
Wayne County, W. Va.
Boyd County, Ky.
Lawrence County, Ohio.
Huntsville, Ala.:
Limestone County.
Madison County.
Huron, S. Dak.:
Beadle County.
Idaho Falls, Idaho:
Bonneville County.
Indianapolis, Ind.:
Hamilton County.
Hancock County.
Hendricks County.
Johnson County.
Marion County.
Morgan County.
Shelby County.
Jackson, Mich.:
Jackson County.
Jackson, Miss.:
Hinds County.
Rankin County.
Jackson, Tenn.:
Madison County.
Jacksonville, Fla.:
Duval County.
Jefferson City, Mo.:
Cole County.
Jersey City, N.J.:
Hudson County.
Madison, Wis.:
Dane County.
Manchester, N.H.:
Hillsborough County.
Merrimack County.
Manhattan, Kans.:
Riley County.
McCook, Nebr.:
Red Willow County.
Medford, Oreg.:
Jackson County.
Memphis, Tenn.-Ark.:
Shelby County, Tenn.
Crittenden County, Ark.
Meriden, Conn.:
New Haven County.
Meridian, Miss.:
Lauderdale County.
Miami, Fla.:
Dade County.
Midland, Tex.:
Midland County.
Milwaukee, Wis.:
Milwaukee County.
Ozaukee County.
Waukesha County.
Minneapolis-St. Paul, Minn.:
Anoka County.
Dakota County.
Hennepin County.
Ramsey County.
Washington County.
Missoula, Mont.:
Missoula County.
Mobile, Ala.:
Baldwin County.
Mobile County.
Monroe, La.:
Ouachita Parish.
Montgomery, Ala.:
Elmore County.
Montgomery County.
Morgantown, W. Va.:
Monongalia County.
Muncie, Ind.:
Delaware County.
Muskegon-Muskegon Heights, Mich.:
Muskegon County.
Muskogee, Okla.:
Muskogee County.
Nashville, Tenn.:
Davidson County.
Sumner County.
Wilson County.
Newark, N.J.:
Essex County.
Morris County.
Union County.
New Bedford, Mass.:
Bristol County.
Plymouth County.
New Britain, Conn.:
Hartford County.
New Haven, Conn.:
New Haven County.
New London-Groton-Norwich, Conn.:
New London County.
Johnstown, Pa.:
Cambria County.
Somerset C ounty.
Kalamazoo, Mich.:
Kalamazoo County.
Kansas City, Mo.-Kans.:
Cass County, Mo.
Clay County, Mo.
Jackson County, Mo.
Platte County, Mo.
Johnson County, Kans.
Wyandotte County, Kans.
Kenosha, Wis.:
Kenosha County.
Klamath Falls, Oreg.:
Klamath County.
Knoxville, Tenn.
Anderson County.
Blount County.
Knox County.
Lafayette, La.:
Lafayette Parish.
Lake Charles, La.:
Calcasieu Parish.
Lancaster, Pa.:
Lancaster County.
Lansing, Mich.:
Clinton County.
Eaton County.
Ingham County.
Laredo, Tex.:
Webb County.
Las Vegas, Nev.:
Clark County.
Lawrence-Haverhill, Mass.-N.H.:
Essex County, Mass.
Rockingham County, N.H.
Lawton, Okla.:
Comanche County.
Lewiston-Auburn, Maine:
Androscoggin County.
Lexington, Ky.:
Fayette County.
Lima, Ohio:
Allen County.
Lincoln, Nebr.:
Lancaster County.
LittleRock-North Little Rock, Ark.:
Pulaski County.
Logan, Utah:
Cache County.
Lorain-Elyria, Ohio:
Lorain County.
Los Angeles-Long Beach, Calif.:
Los Angeles County.
Louisville, Ky.-Ind.:
Jefferson County, Ky.
Clark County, Ind.
Floyd County, Ind.
Lowell, Mass.:
Middlesex County.
Lubbock, Tex.:
Lubbock County.
Lynchburg, Va.:
Lynchburg city.
Amherst County.
Campbell County.
Macon, Ga.:
Bibb County.
Houston County.
New Orleans, La.:
Jefferson Parish.
Orleans Parish.
St. Bernard Parish.
St. Tammany Parish.
Newport News-Hampton, Va.:
Hampton city.
Newport News city.
York County.
New York, N.Y.:
Bronx County.
Kings County.
New York County.
Queens County.
Richmond County.
Nassau County.
Rockland County.
Suffolk County.
Westchester County.
Norfolk-Portsmouth, Va.:
Chesapeake city.
Norfolk city.
Portsmouth city.
Virginia Beach city.
Norwalk, Conn.:
Fairfield County.
Odessa, Tex.:
Ector County.
Ogden, Utah:
Weber County.
Oklahoma City, Okla.:
Canadian County.
Cleveland County.
Oklahoma County.
Olympia, Wash.:
Thurston County.
Omaha, Nebr.-Iowa:
Douglas County, Nebr.
Sarpy County, Nebr.
Pottawattamie County, Iowa.
Orlando, Fla.:
Orange County.
Seminole County.
Parkersburg, W. Va.:
Wood County.
Paterson-Clifton-Passaic, N.J.:
Bergen County.
Passaic County.
Pensacola, Fla.:
Escambia County.
Santa Rosa County.
Peoria, Ill.:
Peoria County.
Tazewell County.
Woodford County.
Philadelphia, Pa.-N.J.:
Bucks County, Pa.
Chester County, Pa.
Delaware County, Pa.
Montgomery County, Pa.
Philadelphia County, Pa.
Burlington County, N.J.
Camden County, N.J.
Gloucester County, N.J.
Phoenix, Ariz.:
Maricopa County.
Pierre, S. Dak.:
Hughes County.

Pittsburgh, Pa.:
Allegheny County.
Beaver County.
Washington County.
Westmoreland County.
Pittsfield, Mass.:
Berkshire County.
Portland, Maine:
Cumberland County.
Portland, Oreg.-Wash.:
Clackamas County, Oreg.
Multnomah County, Oreg.
Washington County, Oreg.
Clark County, Wash.
Portsmouth, N.H.:
Rockingham County.
Providence-Pawtucket-Warwick, R.I.-Mass.:
Bristol County, R.I.
Kent County, R.I.
Newport County, R.I.
Providence County, R.I.
Washington County, R.I.
Bristol County, Mass.
Norfolk County, Mass.
Worcester County, Mass.
Provo-Orem, Utah:
Utah County.
Pueblo, Colo.:
Pueblo County.
Puerto Rico:
The entire Commonwealth.
Racine, Wis.:
Racine County.
Raleigh, N.C.:
Wake County.
Rapid City, S. Dak.:
Pennington County.
Reading, Pa.:
Berks County.
Reno, Nev.:
Washoe County.
Richmond, Va.:
Richmond city.
Chesterfield County.
Hanover County.
Henrico County.
Roanoke, Va.:
Roanoke city.
Roanoke County.
Rochester, N.Y.:
Livingston County.
Monroe County.
Orleans County.
Wayne County.
Rockford, Ill.:
Boone County.
Winnebago County.
Rolla, Mo.:
Phelps County.
Rome, Ga.:
Floyd County.
Sacramento, Calif.:
Placer County.
Sacramento County.
Yolo County.
Saginaw, Mich.:
Saginaw County.
St. Albans, Vt.:
Franklin County.
St. Joseph, Mo.:
Buchanan County.
St. Louis, Mo.-Ill.:
St. Louis City, Mo.
Jefferson County, Mo.
St. Charles County, Mo.
St. Louis County, Mo.
Madison County, Ill.
St. Clair County, Ill.
Salina, Kans.:
Saline County.
Salisbury, Md.:
Wicomico County.
Salt Lake City, Utah:
Davis County.
Salt Lake County.
San Angelo, Tex.:
Tom Green County.
San Antonio, Tex.:
Bexar County.
Guadalupe County.
San Bernardino-Riverside-Ontario, Calif.:
Riverside County.
San Bernardino County.
San Diego, Calif.:
San Diego County.
San Francisco-Oakland, Calif.:
Alameda County.
Contra Costa County.
Marin County.
San Francisco County.
San Mateo County.
San Jose, Calif.:
Santa Clara County.
Santa Barbara, Calif.:
Santa Barbara County.
Santa Fe, N. Mex.:
Santa Fe County.
Savannah, Ga.:
Chatham County.
Scottsbluff, Nebr.:
Scotts Bluff County.
Scranton, Pa.:
Lackawanna County.
Seattle-Everett, Wash.:
King County.
Snohomish County.
Sheridan, Wyo.:
Sheridan County.
Shreveport, La.:
Bossier Parish.
Caddo Parish.
Sioux City, Iowa-Nebr.:
Woodbury County, Iowa.
Dakota County, Nebr.
Sioux Falls, S. Dak.:
Minnehaha County.
South Bend, Ind.:
St. Joseph County.
Marshall County.
Spartanburg, S.C.:
Spartanburg County.
Spokane, Wash.:
Spokane County.
Springfield-Chicopee-Holyoke, Mass.:
Hampden County, Mass.
Hampshire County, Mass.
Worcester County, Mass.
Springfield, Ill.:
Sangamon County.
Springfield, Mo.:
Greene County.
Springfield, Ohio:
Clark County.
Stamford, Conn.:
Fairfield County.
Steubenville-Wierton, Ohio-W. Va.:
Jefferson County, Ohio.
Brooke County, W. Va.
Hancock County, W. Va.
Stillwater, Okla.:
Payne County.
Stockton, Calif.:
San Joaquin County.
Syracuse, N.Y.:
Madison County.
Onondaga County.
Oswego County.
Tacoma, Wash.:
Pierce County.
Tallahassee, Fla.:
Leon County.
Tampa-St. Petersburg, Fla.:
Hillsborough County.
Pinellas County.
Temple, Tex.:
Bell County.
Terre Haute, Ind.:
Clay County.
Sullivan County.
Vermillion County.
Vigo County.
Texarkana, Tex.-Ark.:
Bowie County, Tex.
Miller County, Ark.
Toledo, Ohio-Mich.:
Lucas County, Ohio.
Wood County, Ohio.
Monroe County, Mich.
Topeka, Kans.:
Shawnee County.
Trenton, N.J.:
Mercer County.
Tucson, Ariz.:
Pima County.
Tulsa, Okla.:
Creek County.
Osage County.
Tulsa County.
Tuscaloosa, Ala.:
Tuscaloosa County.
Tyler, Tex.:
Smith County.
Utica-Rome, N.Y.:
Herkimer County.
Oneida County.
Vallejo-Napa, Calif.:
Napa County.
Solano County.
Vicksburg, Miss.:
Warren County.
Virgin Islands:
The entire Territory.
Waco, Tex.:
McLennan County.
Walla Walla, Wash.:
Walla Walla County.
Benton County.
Washington, D.C.-Md.-Va.:
District of Columbia.
Montgomery County, Md.
Prince Georges County, Md.
Alexandria city, Va.
Fairfax city, Va.
Falls Church city, Va.
Arlington County, Va.
Fairfax County, Va.
Waterbury, Conn.:
Litchfield County.
New Haven County.
Waterloo, Iowa:
Black Hawk County.
Wenatchee, Wash.:
Chelan County.
West Palm Beach, Fla.:
Palm Beach County.
Wheeling, W. Va.-Ohio:
Marshall County, W. Va.
Ohio County, W. Va.
Belmont County, Ohio.
Wichita, Kans.:
Butler County.
Sedgwick County.
Wichita Falls, Tex.:
Archer County.
Wichita County.
Wilkes Barre-Hazleton, Pa.:
Luzerne County.
Wilmington, Del.-N.J.-Md.:
New Castle County, Del.
Salem County, N.J.
Cecil County, Md.
Wilmington, N.C.:
New Hanover County.
Winston-Salem, N.C.:
Forsyth County.
Worcester, Mass.:
Worcester County.
Yakima, Wash.:
Yakima County.
York, Pa.:
Adams County.
York County.
Youngstown-Warren, Ohio:
Mahoning County.
Trumbull County.
Yuma, Ariz.:
Yuma County.

(b) The Department of the Treasury may lease building space and land incidental thereto for the use of the Comp-

troller of the Currency and provide for its operation, maintenance, and custody.

(c) The Tennessee Valley Authority may lease building space and land incidental thereto and provide for its operation, maintenance, and custody.

(d) The National Aeronautics and Space Administration may lease building space and land incidental thereto and provide for its operation, maintenance, and custody outside the District of Columbia.

(e) A Federal agency may lease space in buildings and land incidental thereto, for its use when:

(1) The space is located in any foreign country;

(2) The space is in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy Yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(3) The space is acquired by the U.S. Postal Service for postal purposes.

§ 101–18.103 Agency cooperation.

The heads of executive agencies shall (a) cooperate with and assist the Administrator of General Services in carrying out his responsibilities respecting office buildings and space, (b) take measures to give GSA early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

§ 101–18.104 Delegation of leasing authority.

Subject to the limitations stated in § 101–18.105, agencies are hereby authorized to perform for themselves all functions with respect to acquisition of space by lease in buildings and land incidental thereto when the following conditions are met:

(a) The space may be leased for no rental, or for a nominal consideration of $1.00 per annum; or

(b) When authority has been requested by an executive agency and a specific delegation has been granted by the Administrator of General Services; or

(c) The space is found by the Administrator of General Services to be wholly or predominantly utilized for the special purposes of the agency to have custody thereof and is not generally suitable for the use of other agencies; including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions. The types of space listed in § 101–18.104–1 have been found to be wholly or predominantly utilized for the special purposes of the agency named and are not generally suitable for the uses of other agencies.

§ 101–18.104–1 List of special purpose space.

(a) Department of Agriculture:

(1) Aircraft storage and repair shops.

(2) Fumigation areas.

(3) Garage space held under service contract.

(4) Greenhouses.

(5) Land.

(6) Miscellaneous storage by cubic foot or weight basis.

(7) Office space when required to be located in or adjacent to stockyards.

(8) Space for agricultural commodities stored in licensed warehouses and utilized under warehousing contracts.

(9) Space utilized in cooperation with State and local governments or their instrumentalities where the cooperating State or local government occupies a portion of the space and pays a portion of the rent.

(10) Plant, bird, and animal quarantine facilities.

(11) Housing.

(12) Storage for pesticide materials and equipment.

(b) Department of Commerce:

(1) Maritime training stations.

(2) Radio stations.

(3) Laboratories for testing materials, classified or ordnance devices, and calibration of instruments.

(4) Weather bureau offices at airports.

(5) Docks, piers, and mooring facilities.

(6) Garage space held under service contract.

(7) Hangars used for airplane storage.

(8) Oil and gasoline storage.

(9) Shipbuilding materials storage.

(10) Stockpiling depots.

(11) Torpedo net depots.

(c) Department of Defense:

(1) Air Force—Civil Air Patrol Liaison Office when required for use incidental to, in conjunction with, and in close proximity to airports.

(2) Armories.

(3) Cold and freezer storage.

(4) Depot storage.

(5) Docks and piers.

(6) Film library in the vicinity of Washington, D.C.

(7) Filter centers.

(8) Garage space held under service contract.

(9) Hangars and other airport operating facilities.

(10) Hospitals.

(11) Hotels.

(12) Housing.

(13) Land (including aircraft and warning stations).

(14) Laundries.

(15) Leased buildings at Jackson, Mississippi, Air Force Base.

(16) Lumber storage.

(17) Mess halls.

(18) Mooring space.

(19) Oil and gasoline storage.

(20) Open storage.

(21) Ports of embarkation and debarkation.

(22) Post exchanges.

(23) Postal Concentration Center at Long Island City, New York.

(24) Recreation centers.

(25) Reserve training space.

(26) Schools.

(27) Service clubs.

(28) Testing laboratories.

(29) Troop detachments.

(d) Home Loan Bank Board: Space for field offices of Examining Division required to be located within Federal Home Loan Bank Buildings or immediately adjourning or adjacent thereto.

(e) Department of Housing and Urban Development: Space used for residential and related purposes.

(f) Department of Justice: U.S. Marshal's offices in Alaska and Border Patrol Offices similar in character and utilization to police stations involving the handling of prisoners, firearms, and motor vehicles, regardless of location.

(g) Panama Canal Company: Present space in New York, New York.

(h) Tax Court of the United States: Present courtroom in Grand Central Terminal Building, New York, New York.

(i) Veterans Administration:

(1) Guidance and training centers located at schools and colleges.

(2) Space used for Veterans Administration hospitals and related purposes.

(j) Department of the Interior:

(1) Space in buildings and land incidental thereto used by field crews of the Bureau of Reclamation, Bureau of Land Management, and the Geological Survey for periods of less than 1 year in remote areas where no other Government agencies are quartered; and

(2) Garage space held under service contract used by the Geological Survey and the Bureau of Land Management.

(k) Department of Health, Education, and Welfare: Space used for hospitals, quarantine stations, and laboratories.

(l) Atomic Energy Commission: Present space in St. Louis, Missouri.

(m) Federal Communications Commission: Monitoring station sites.

(n) Department of Transportation:

(1) U.S. Coast Guard: Plots of land and pier sites, including closed storage space required in combination with piers and docking and mooring facilities; space for the oceanic unit at Woods Hole, Mass.; and space for port security activities;

(2) Federal Aviation Administration: All space located at airports, the Aeronautical Center at Oklahoma City, Okla., air route traffic control centers, garage space held under service contracts, and land.

§ 101–18.105 Limitations on the use of delegated authority.

(a) Agencies authorized by this Subpart 101–18.1 to perform functions with respect to acquiring space by lease may perform such functions only:

(1) When the utilization requirements of Part 101–17 have been met; and

(2) In accordance with the authorities in § 101–18.001, § 101–18.100, and applicable provisions of Chapters 1 and 101 of this title.

(b) Agencies may not exercise the long-term leasing authority contained in section 210(h)(1) of the Federal Prop-

erty and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)) in the performance of the functions delegated under this Subpart 101–18.1 without specific authorization from the Administrator of General Services.

(c) Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.102, for Government-owned motor vehicles not regularly housed by GSA, shall ascertain the availability of Government-owned or -controlled parking from GSA in accordance with the procedures outlined in § 101–17.101–6 prior to instituting procurement action to acquire parking facilities or services.

§ 101–18.106 Contingent fees and related procedure.

The provisions of Subpart 1–1.5 of this title with respect to contingent fees and related procedure are hereby made applicable to all negotiated and advertised contracts for the acquisition of real property by lease. The covenant shall be appropriately adapted for use in leases of real property for Government use.

§ 101–18.107 Application of socioeconomic considerations.

(a) In acquiring space by lease, locations will be avoided which will work a hardship on employees because (1) there is a lack of adequate housing for low- and middle-income employees on a nondiscriminatory basis within reasonable proximity and (2) the location is not readily accessible from other areas of the urban center.

(b) Consideration of low- and moderate-income housing on a nondiscriminatory basis for employees and the need for development and redevelopment of areas for socioeconomic improvement will apply to the acquisition of space by lease where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The lease involves residential relocation of a majority of the existing low- and moderate-income work force, a significant increase in their transportation or parking costs, travel time that exceeds 45 minutes to the new location, or a 20 percent increase in travel time if travel time to the present facility already exceeds an average of 45 minutes; or

(3) GSA requests HUD review in lease actions of special importance not covered by (1) and (2).

(c) The Department of Housing and Urban Development is responsible for providing information concerning the availability of low- and moderate-income housing on a nondiscriminatory basis in areas where Federal facilities are to be located.

(d) The Department of Housing and Urban Development will be consulted concerning the availability, on a nondiscriminatory basis, of low- and moderate-income housing for those Federal employees who will work in the project area.

(e) Other socioeconomic considerations described in § 101–19.101 are also applicable to acquisition by lease.

Subpart 101–18.2—Acquisition by Purchase or Condemnation

§ 101–18.200 Purpose.

These regulations will:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation where possible and relieve congestion in the courts;

(c) Insure consistent treatment of owners in the many Federal programs; and

(d) Promote public confidence in Federal land acquisition practices.

§ 101–18.201 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

(a) Make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.

(c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefor and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of the amount established as just compensation and a summary of the basis for it. Where appropriate, the just compensation for the real properly acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:

(1) Identification of the real property and the estate or interest therein to be acquired;

(2) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property. This includes buildings, structures, or other improvements that GSA requires removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of an occupant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the occupant, will be determined and the occupant will be paid the greater of the:

(1) Fair market value of the buildings, structures, or other improvements to be removed from the property; or

(2) Contributive fair market value of the occupant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under this paragraph (d) of this section will not be a duplication of any payment otherwise authorized by law. No payment will be made unless the landowner disclaims all interests in the occupant's improvements and the occupant in consideration for such payment shall assign, transfer, and release to the Government all his right, title, and interest in and to such improvements. The occupant may reject payment under this paragraph (d) of this section and obtain payment for his property interests in accordance with other applicable laws.

(e) Obtain only one appraisal on each parcel, tract, etc., of real property to be acquired unless GSA determines that circumstances require an additional appraisal or appraisals.

(f) Maintain records to verify that the landowner or his designated representative(s) was given an opportunity to accompany the appraiser during the inspection of the real property.

(g) Pay an owner or occupant or deposit such payment in the registry of the court before requiring him to surrender his property. To the maximum extent practicable, owners and occupants will be given at least 90 days' notice of displacement before being required to move from real property acquired by GSA. If permitted by GSA to remain in possession for a short period of time after Government acquisition, the rental charged for this occupancy will not be more than the fair rental value of the property to a short-term occupier.

(h) Not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property. Offer to acquire the entire property where the acquisition of a part of a property will leave the owner with an uneconomic remnant.

§ 101–18.202 Expenses incidental to transfer.

GSA will amend its real property purchase contract forms to provide for reimbursement to vendors in amounts deemed by GSA to be fair and reasonable for the following expenses:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid by the vendor for periods subsequent to the day title vests in the United States.

§ 101–18.203 Litigation expenses.

GSA will plan for and take into consideration the possible liability for the payment of litigation expenses of a condemnee as provided for in section 304 of the Act.

Subpart 101–18.3—Relocation Assistance and Payments

§ 101–18.300 Purpose.

These regulations will serve to insure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public as a whole and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.

§ 101–18.301 Basic policy.

GSA, to the greatest extent practicable will:

(a) Administer its real property acquisition programs or projects so that every person displaced because of such programs or projects will have been offered a comparable replacement dwelling which is decent, safe, and sanitary before being required to vacate the dwelling acquired by the Government.

(b) Make prompt and equitable payments to those eligible displaced persons to cover:

(1) Reasonable costs incurred for moving and related expenses;

(2) Amounts determined to be the replacement housing payments; and/or

(3) Amounts determined to be the replacement rental payments.

(c) Provide, or cause to be provided, relocation assistance advisory services in a manner to insure that the displaced person will receive assistance in relocation. When GSA causes services to be provided by the staff of an agent under contract, GSA will require that the services be administered in a manner that will accomplish the specific and underlying purposes of the Act.

(d) Provide procedures for reviewing the application of an aggrieved applicant to encourage the prompt and proper resolution of the causes of such aggravation.

(e) Adhere to all existing GSA regulations, procedures, policies, and forms relating to the acquisition of real property and interests therein as well as project requirements except as modified by the requirements of the Act and these regulations.

§ 101–18.302 Right of appeal.

Any applicant aggrieved by a determination of eligibility for a payment under the Act, or the amount of such payment, may submit through the Commissioner, Public Buildings Service, a request to have his application reviewed by the Administrator of General Services.

§ 101–18.303 General criteria for decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

(a) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing, and occupany codes and similar ordinances or regulations.

(b) Has a continuing and adequate supply of potable safe water.

(c) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and is connected to hot and cold water and an adequate sewage system.

(d) Has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where it is not normally included in new housing.

(e) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(f) Has an adequate and safe wiring system for lighting and other electrical services.

(g) Is structurally sound, weathertight, in good repair, and adequately maintained.

(h) Has a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(i) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

§ 101–18.303–1 Sleeping rooms.

The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in § 101–18.303 (a), (d), (f) through (h), and the following:

(a) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(b) Lavatory, bath, and toilet facilities that provide privacy, including a door than can be locked if such facilities are separate from the room.

§ 101–18.303–2 Application of local code standards.

In those instances where there is no local housing code or where a local housing code does not meet all the standards listed in this section, the Commissioner, Public Buildings Service, will determine the standards acceptable for decent, safe, and sanitary housing.

§ 101–18.303–3 Exceptions.

Exceptions may be granted to decent, safe, and sanitary standards and will be limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions will not affect the computation of a replacement housing payment.

§ 101–18.304 Multiple occupancy.

Multiple occupancy will be treated as single occupancy in the case of individuals, not families, in dealing with benefits for replacement housing. However, each displaced individual may receive benefits for actual, reasonable moving expenses and for other related expenses, and in the case of families, each family will be considered separately.

§ 101–18.305 Moving and related expenses.

Whenever the acquisition of real property by GSA will result in the displacement of any person on or after January 2, 1971, and that person occupied the real property acquired by GSA prior to its acquisition. GSA will make a payment to the person, upon application as approved by GSA, for the person's reasonable and actual moving expenses as follows:

(a) Transporting individuals, families, and property from the acquired site, including storage, to the replacement site, not to exceed a distance of 50 miles except where GSA determines that relocation beyond the 50-mile area is justified.

(b) Packing and crating personal property.

(c) Advertising for packing, crating, and transportation when GSA determines that it is necessary.

(d) Storing personal property for a period generally not to exceed 12 months when GSA determines that storage is necessary in connection with relocation.

(e) Insuring loss and damage of personal property while it is in storage or transit.

(f) Removing, reinstalling, and reestablishing machinery, equipment, appliances, and other items, not acquired as real property, including reconnection of utilities, which do not constitute an improvement to the replacement site, and which were not acquired by GSA. (Prior

to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that GSA is released from any payment for the property.)

(g) Replacing property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employees) in the process of moving, where insurance to cover such loss or damage was not available at the time of the move.

(h) Paying other reasonable expenses determined proper by GSA.

§ 101–18.305–1 Limitations.

In the implementation of section 202 of the Act, GSA will apply the following limitations:

(a) When the displaced person accomplishes the move himself, the amount of payment will not exceed the estimated cost of moving commercially.

(b) When an item of personal property which is used in connection with any business or farm operation is not moved but sold, and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving, whichever is less.

(c) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, as determined by GSA, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for that item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 101–18.305–2 Exclusions.

In the implementation of section 202 of the Act, GSA will exclude from payment the following moving expenses and losses:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when they are required to reinstall machinery, equipment, or other personal property.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site, except when the modification is required by law.

(k) Such other items as GSA determines should be excluded on the basis that they are not reasonable, prudent or proper.

§ 101–18.305–3 Direct losses.

GSA will reimburse a displaced person for direct losses to personal property as the result of the person's moving or discontinuing a business or a farm operation in accordance with the following:

(a) When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.

(b) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the difference between the replacement cost minus the sale proceeds or the cost of moving, whichever is less.

(c) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the in-place value of the personal property and the sale proceeds or the cost of moving, whichever is less.

(d) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the in-place value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 101–18.305–4 Expenses in searching for a replacement business or farm.

In the implementation of section 202 (a)(3) of the Act, GSA will allow the following expenses, except that the total amount which a displaced person may be paid for searching expenses will not exceed $500, unless GSA determines that a greater amount is justified based on the circumstances involved:

(a) Travel costs up to a maximum distance of 100 miles.

(b) Reasonable costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not exceeding $10 per hour.

(d) Broker or realtor fee to locate a replacement business or farm operation if GSA determines such service is necessary to effect a satisfactory relocation.

§ 101–18.305–5 Scheduled payments.

Any displaced person eligible for moving and related expense benefits heretofore enumerated may elect to receive a moving expense allowance determined in accordance with a schedule established by GSA but not to exceed $300 and a dislocation allowance of $200. These payments will be made upon application by the displaced person and need not be supported by any evidence of incurred expenses. The schedule established by GSA will be the room moving allowance schedules maintained by the respective State highway departments.

§ 101–18.305–6 Fixed payments for displaced businesses or farms.

Any eligible displaced business or farm operator who elects to accept a payment authorized by this section in lieu of the moving and related expense payments heretofore enumerated may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment will not be less than $2,500 nor more than $10,000. However, where an entire farm operation is not acquired, the payment will be made only if GSA determines that the farm met the definition of a farm operation prior to the acquisition and the property remaining after the acquisition is no longer an economic unit. In the case of a business, no payment will be made unless GSA is satisfied that the business cannot be relocated without a substantial loss of its existing patronage and is not part of a commercial enterprise which is engaged in the same or similar business and having at least one other establishment not being acquired by the Government. The term "average annual net earnings" means one-half of the sum of the net earnings of the business or farm operation before Federal, State, and local income taxes during the 2 taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired by GSA or during any other period that GSA determines to be more equitable for establishing such earnings. The "average annual net earnings" includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during that period.

(a) To be eligible for the payment authorized in this section, the business or farm operation must contribute materially to the income of the displaced owner. This standard is designed to eliminate those part-time family occupations which do not contribute materially to a displaced person's income.

(b) The loss of existing patronage of a business will be determined by GSA only after consideration of all pertinent circumstances, including the following:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed locations to the patronage of the displaced business.

(c) A person who is displaced from his place of business or farm may elect to receive a fixed relocation payment whether or not he discontinues or reestablishes operations. Any displaced owner-occupant of a multifamily dwelling who earns income from that dwelling will be regarded as displaced from his place of business, in addition to having been displaced from his dwelling, and is eligible in accordance with the foregoing requirements for a fixed payment based on the average annual net earnings.

§ 101–18.305–7 Advance payments in hardship cases.

Advance moving and related expense payments may be made to individuals, families, and business concerns in cases of hardship. By written prearrangement between the displaced person, GSA, and

the mover, the mover may present invoices covering services rendered to GSA for direct payment.

§ 101–18.306 Replacement housing payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $15,000 to any eligible displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 days prior to initiation of negotiations for the acquisition of the dwelling. Such additional payments will include the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Government is determined to be the reasonable cost of a comparable replacement dwelling.

(b) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing of the comparable replacement dwelling. This amount will be paid only if the dwelling acquired by the Government was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of the dwelling. The amount will be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder of the term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate will be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, legal, closing, and related costs, preparing conveyance contracts, credit reports, FHA and VA appraisal fees, and other costs incident to the purchase of the comparable replacement dwelling, but not including prepaid expenses.

§ 101–18.306–1 Eligibility.

A displaced owner-occupant is eligible for a replacement housing payment if he:

(a) Owned and occupied the acquired dwelling for not less than 180 days immediately prior to the initiation of negotiations for the real property; and

(b) Purchases and occupies a comparable replacement dwelling not later than the end of the 1-year period beginning on the date on which the displaced person receives from Government final payment of all costs of the acquired dwelling or on the date on which he moves from the acquired dwelling, whichever is later.

§ 101–18.306–2 Computation of replacement housing payment.

GSA will compute the amount of the replacement housing payment by:

(a) Determining the amount necessary to purchase a comparable replacement dwelling using a schedule, or by devising a suitable alternate method to better meet local conditions. The schedule will be based on a continuing and current analysis of the market to determine a representative amount for each type of dwelling required.

(b) Selecting a comparable dwelling or dwellings which are actually available on the real estate market and which meet the definition of a comparable replacement dwelling. Asking prices will be adjusted to reflect market sales experience. A single comparable dwelling will be used only when additional comparable dwellings are not available.

(c) Cooperating with other Federal agencies causing displacement in a community to establish a uniform method of calculating replacement housing payments.

(d) Basing the interest payment portion of the replacement housing payment on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of Government acquisition of the real property.

(e) Reimbursing the displaced person, in the amount found in the incidental expenses portion of the replacement housing payment, for costs incident to the purchase of a comparable replacement dwelling. This amount may include: Legal, closing, and related costs including costs of title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation; lender's, FHA, or VA appraisal fees; FHA application fees; certifying structural soundness when required by lender, FHA, or VA; credit report; title policies or abstracts of title; escrow agent's fee; and State revenue stamps, or sale or transfer taxes. However, no fee, cost, charge, or expense is reimbursable which is determined to be part of the finance charge under the Truth in Lending Act, Title I, Public Law 90–321 and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 101–18.306–3 Upper limit of replacement housing payment.

The amount established as the replacement housing for a comparable replacement dwelling sets the upper limit of this payment.

(a) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit of the replacement housing payment plus the purchase price paid for the Government-acquired dwelling, the replacement housing payment will be reduced to the amount necessary to pay the difference between the acquisition price of the replacement dwelling plus reasonable incidental expenses. A displaced person will be considered as having "purchased" such a dwelling if he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquired for the purpose.

(b) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment will be made.

§ 101–18.306–4 Notice of initiation of negotiations.

Persons lawfully occupying real property acquired by GSA will be notified of the date when negotiations for the property were initiated with the property owner.

§ 101–18.307 Replacement rental payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $4,000 to any eligible displaced person not eligible to receive a replacement housing payment under § 101–18.306 who actually and lawfully occupied the dwelling acquired by the Government for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the dwelling. GSA will notify the occupant of the property in writing of the actual date of initiation of negotiations. The payment will be the amount, not to exceed $4,000, determined by GSA to be necessary to enable the displaced person to:

(a) Lease or rent for a period not to exceed 4 years a comparable replacement dwelling, or

(b) Make a downpayment, including incidental expenses described in § 101–18.306–2(e), on a comparable replacement dwelling; if the amount exceeds $2,000, the displaced person must match any amount in excess of $2,000 in making the downpayment.

§ 101–18.307–1 Eligibility.

A displaced person who is an occupant or an owner-occupant less than 180 days prior to initiation of negotiations is eligible for a replacement housing payment if he meets both of the following requirements:

(a) Occupies, actually and lawfully, the dwelling for not less than 90 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(b) Meets the other eligibility requirements of § 101–18.307.

§ 101–18.307–2 Owner-occupant who elects to rent.

An owner-occupant eligible for a replacement housing payment under the provisions of § 101–18.306 but who elects to rent a comparable replacement dwelling rather than purchase such a replacement dwelling is eligible for a replacement rental payment under these provisions. However, in no event will the replacement rental payment exceed the

amount of his entitlement under the replacement housing payment provisions or the replacement rental payment provisions, whichever is less.

§ 101–18.307–3 Computation of renter's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to rent a comparable replacement dwelling will be determined by GSA by the establishment of a schedule, by using a comparative method, or by devising a suitable alternate method to better meet local conditions.

(a) GSA may establish a rental schedule for comparable replacement dwellings. The replacement rental payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (using the average monthly cost from the schedule) and subtracting from that amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations if such rent was reasonable, or if not reasonable, 48 times the monthly economic rent for the dwelling as established by GSA. Economic rent is the amount of rent the displaced occupant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(b) GSA may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired by the Government which is available on the market and is a comparable replacement dwelling. The payment will be computed by determining the amount necessary to rent for 4 years the comparable replacement dwelling and subtracting the amount of 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, or if not reasonable, 48 times the monthly economic rent.

(c) GSA may establish the average month's rent paid by a displaced person by using more than 3 months prior to negotiations if it is deemed advisable.

(d) All replacement rental payments for displaced persons who elect to rent instead of purchase, that exceed $500, will be made in four equal installments on an annual basis. Before making each annual payment, GSA will verify that the displaced person continues to occupy a decent, safe, and sanitary dwelling.

(e) When more than one Federal agency is causing displacement in a community or area, GSA will cooperate with those agencies in determining uniform replacement rental payments.

§ 101–18.307–4 Computation of purchaser's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to purchase instead of rent a comparable replacement dwelling will be the amount determined to be necessary to make a downpayment and to cover incidental expenses in the purchase of a replacement dwelling.

(a) Incidental expenses of closing the transaction are those heretofore described in § 101–18.306–2(e).

(b) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) To receive payment to apply on the purchase of a replacement dwelling, an occupant or owner-occupant eligible under this section to receive a replacement housing payment must purchase and occupy a decent, safe, and sanitary dwelling not later than 1 year subsequent to the date he vacated the dwelling acquired by GSA.

§ 101–18.307–5 Time limit for filing claims.

Claims for benefits under the Act are to be received by GSA within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which GSA makes final payment of all costs for the acquisition of the real property, whichever is the later date.

§ 101–18.308 Relocation assistance advisory services.

Whenever GSA causes displacement of persons residing on a public building site after January 2, 1971, GSA will provide to all eligible displaced persons a relocation assistance advisory service. This service will be provided by GSA personnel or by the personnel of a contractor employed by GSA. If GSA determines that any person occupying property immediately adjacent to the real property acquired by the Government is caused substantial economic injury because of that acquisition, that person may be offered relocation assistance advisory services.

(a) GSA will cooperate to the maximum extent feasible with other Federal or State agencies to insure that displaced persons receive the maximum assistance available to them.

(b) GSA relocation assistance advisory services will include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of eligible displaced persons for relocation assistance.

(2) Provide current and continuing information on the availability, prices, and rentals of comparable replacement dwellings which are decent, safe, and sanitary and of comparable commercial properties and locations for displaced businesses.

(3) Insure that, within a reasonable time, prior to displacement, comparable replacement dwellings which are decent, safe, and sanitary will be available to replace the dwellings acquired by the Government.

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a replacement location.

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(6) Provide other advisory services to displaced persons to minimize hardships to such persons in adjusting to relocation.

§ 101–18.309 Availability determination.

GSA will not proceed with any phase of a project which will cause the displacement of any person until it has determined that there will be available within a reasonable time prior to such displacement on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (Public Law 90–284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families displaced, decent, safe, and sanitary dwellings equal in number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(a) This determination will be based on a current survey and analysis of available replacement housing resources. This survey will take into account the competing demands on the available housing resources.

(b) GSA may waive the requirements of this section in periods of emergency and/or other extraordinary situations where immediate possession of real property is of crucial importance.

§ 101–18.310 Housing replacement as a last resort.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 206 of the Act.

§ 101–18.311 Planning and other preliminary expenses for additional housing.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 215 of the Act.

§ 101–18.312 Applicability to the acquisition of leasehold interest.

The relocation provisions of the Act do not apply to leasing actions except when persons are displaced as a result of the condemnation of a leasehold interest or lease construction of a building which has received congressional approval as a public buildings project pursuant to section 7(a) of the Public Buildings Act of 1959, as amended. (40 U.S.C. 606)

Subparts 101–18.4—101–18.49 [Reserved]

PART 101–19—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

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Subpart 101–19.48—Exhibits

101–19.4800 Scope of subpart.
101–19.4801 Memorandum of Understanding between the Department of Housing and Urban Development and the General Services Administration concerning low- and moderate-income housing.

AUTHORITY: 63 Stat. 377 (40 U.S.C. 601–615); 82 Stat. 718; (42 U.S.C. 4151–4156); (42 U.S.C. 1857–1858); (33 U.S.C. 1151–1175); (42 U.S.C. 4201–4244); (40 U.S.C. 531–535); 84 Stat. 1358; E.O. 11507, 38 FR 2573; E.O. 11508, 38 FR 2855; E.O. 11512, 35 FR 3979; Pub. L. 92–313

§ 101–19.000 Scope of part.

This part prescribes policies and procedures for the construction and alteration of public buildings in the United States.

§ 101–19.001 Authority.

This Part 101–19 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Public Buildings Act of 1959 (40 U.S.C. 601–615 as amended); Public Law 90–480, approved August 12, 1968, 82 Stat. 718 (42 U.S.C. 4151–4156); the Clean Air Act (42 U.S.C. 1857–1858); the Federal Water Pollution Control Act (33 U.S.C. 1151–1175); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4244; 40 U.S.C. 531–535); the Agricultural Act of 1970, 84 Stat. 1358; Executive Order 11507 of February 4, 1970 (35 F.R. 2573); Executive Order 11508 of February 10, 1970 (35 F.R. 2855); Executive Order 11512 of February 27, 1970 (35 F.R. 3979); and Pub. L. 92–313, approved June 16, 1972.

§ 101–19.002 Basic policy.

(a) In the process of developing building projects, the following policies will be observed:

(1) Material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration will be given in the delineation of areas and the selection of sites for the development of Federal facilities to the need for development and redevelopment of areas and the development of new communities and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions, the Administrator of General Services will consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use will be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space will be acquired only when satisfactory Government-owned space is not available and only at rental charges which are consistent with prevailing rates in the community for comparable facilities;

(5) Space planning and assignments will take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration;

(6) Availability of low and moderate income housing for employees without discrimination because of race, color, religion, or national origin; nondiscrimination in the sale and rental of housing; adequate access from other areas of the urban center; and adequacy of parking will be considered; and

(7) Proposed developments will be, to the greatest extent practicable, consistent with State, regional, and local plans and programs; and Governors, local elected officials, and regional comprehensive planning agencies will be consulted in the planning of such developments.

(b) In accordance with the provisions of section 901(b) of the Agricultural Act of 1970 (84 Stat. 1358), insofar as practicable, new offices and other facilities will be located in areas or communities of low population density in preference to areas or communities of high population density, due consideration being given to the provisions of section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)), and Executive Order 11512 of February 27, 1970 (35 F.R. 3979).

(c) GSA will plan the construction and alteration of Federal facilities at a rate that will reduce the total amount of rental space, provide for Federal operations to be housed in Government-owned space, and replace Government-owned facilities becoming obsolete with modern functional structures that meet present-day requirements for efficient and economical operation.

(d) GSA will provide technical services and guidance to other Federal agencies in the formulation and development of their programs for construction and alteration of special facilities.

(e) Excess properties transferred to GSA will be renovated and altered whenever practical to meet Government space needs.

(f) In selecting sites for public buildings, consideration will also be given to:

(1) Maximum utilization of Government-owned land (including excess land) whenever it is adequate, economically adaptable to requirements and properly located, where such use is consistent with the provisions of Executive Order 11508 of February 10, 1970, and Subpart 101–47.8;

(2) A site adjacent to or in the proximity of an existing Federal building which is well located and is to be retained for long-term occupancy; and

(3) Suitable sites in established civic or redevelopment centers which are well planned and properly financed with development initiated and insured.

(g) The design of new buildings shall provide requisite and adequate facilities in an architectural style and form which is distinguished and reflects the dignity, enterprise, vigor, and stability of the U.S. Government. Major emphasis shall be placed on designs that embody the finest contemporary American architectural thought. Specific attention shall be paid to the possibilities of incorporating into such designs qualities which reflect the regional architectural traditions of the part of the Nation in which the buildings will be located.

(h) In the alteration of existing buildings, GSA will maintain architectural integrity and compatibility with existing structures.

(i) In the design of new public buildings, and to the extent feasible in the alteration of existing public buildings, GSA will (1) insure that such buildings and attendant facilities will be accessible to and usable by the physically handicapped (42 U.S.C. 4151–4156) and (2) utilize, to the maximum extent, modern methods and techniques for the control

of air and water pollution (Clean Air Act 42 U.S.C. 1857–1858; Federal Water Pollution Control Act, 33 U.S.C. 1151–1175).

(j) In the siting and locating of buildings on selected sites, GSA representatives will work directly with local officials in seeking to conform as closely as possible to local zoning regulations.

(k) In the design of new public buildings and alterations to public buildings, locally approved and/or nationally recognized building and performance codes, standards, and specifications will be followed as minimum requirements.

(l) Parking for Government-owned, visitors', and employees' vehicles will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality.

(m) Fine arts, as appropriate, will be incorporated in the design of selected new public buildings. Fine arts, including painting, sculpture, and artistic work in other mediums, will reflect the national cultural heritage and emphasize the work of living American artists.

(n) Security floodlighting, as appropriate, will be incorporated in the design of selected new public buildings. Such security floodlighting will be designed for minimum energy consumption and reflect and enhance the architectural effectiveness of the building.

§ 101–19.003 Definition of terms.

For the purposes of this Subchapter D the following terms shall have the meanings set forth in this section.

§ 101–19.003–1 Alter.

"Alter" means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning; engineering; architectural, legal, fiscal, and economic investigations and studies; surveys; designs; plans; working drawings; specifications; procedures; and other similar actions necessary for the alteration of a public building.

§ 101–19.003–2 Alteration project.

"Alteration project", requiring compliance with section 7 of the Public Buildings Act of 1959, as amended, means a project to alter a public building which is estimated to cost in excess of $500,000 and which specifies any of the following:

(a) Alterations estimated to be completed in 5 years for the continued use and occupancy of the building.

(b) Alterations to a building and/or its equipment occasioned by a space reassignment.

(c) Alterations occasioned by an emergency.

§ 101–19.003–3 Construct.

"Construct" means to build a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

§ 101–19.003–4 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including the Central Bank for Cooperatives and the regional banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, and the Federal Deposit Insurance Corporation.

§ 101–19.003–5 Prospectus.

"Prospectus" means the statement of the proposed project, required by section 7 of the Public Buildings Act of 1959, as amended (40 U.S.C. 606), including a description, its location, estimated maximum cost, a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, a statement by the Administrator of General Services that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action, and a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the proposed project.

§ 101–19.003–6 Public building.

(a) The term "public building" means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: Federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, similar Federal facilities, and any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (1) on the public domain (including that reserved for national forests and other purposes), (2) on properties of the United States in foreign countries, (3) on Indian and native Eskimo properties held in trust by the United States, (4) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (5) on or used in connection with river, harbor, flood control reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects, (6) on or used in connection with housing and residential projects, (7) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (8) on Veterans Administration installations used for hospital or domiciliary purposes, and (9) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(b) Buildings leased by the Government are not "public buildings" within the meaning of the Public Buildings Act of 1959.

§ 101–19.003–7 United States.

"United States," when used in a geographical sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

Subpart 101–19.1—General

§ 101–19.100 Intergovernmental consultation on Federal projects.

(a) As used in this section, the following terms will have the meanings defined herein:

(1) *Planning agencies.* Planning agencies are defined as the Governor of a State or, if there is one, the appropriate planning and development clearinghouse of the State, region, or metropolitan area, and the appropriate local, county, metropolitan, regional, and State planning and environmental authorities.

(2) *Federal projects.* Federal projects are defined as public buildings construction projects and lease construction projects required to be authorized in accordance with, or in the manner provided by, the provisions of the Public Buildings Act of 1959, as amended; and projects involving a significant change in the use of federally owned property or property to be acquired by exchange in connection with a public buildings project authorized under the provisions of the Public Buildings Act of 1959, as amended, or the Federal Property and Administrative Services Act of 1949, as amended.

(b) GSA will consult with planning agencies and local elected officials to coordinate Federal projects with development plans and programs of the State, region, and locality in which the project is to be located to insure that all viewpoints, national, regional, State, and local, are fully considered and taken into account to the extent possible in planning Federal projects.

(c) The consultation and coordination pursuant to paragraph (b) of this section will be initiated by the GSA Regional Administrator of the region in which the Federal project is located, and the manner in which the consultation and coordination will be effected is set forth below:

(1) The GSA Regional Administrator will notify the planning agencies at least 60 calendar days prior to the initiation of any survey of a community conducted for the purpose of ascertaining the space needs of Federal agencies and developing a plan for satisfying those needs. Notifications of less than 60 days are authorized if GSA program require-

ments so dictate. The notification will specify the approximate date(s) on which the survey will be conducted and request that the GSA Regional Administrator be provided as soon as practicable with all pertinent planning and development information which shall be considered in connection with the space plan for the community. This information will include city, county, State, and regional plans for land use and development, model cities and urban renewal, mass transit, highways, flood control, and air, water, solid waste, and other relevant environmental data.

(2) Within 30 calender days following his approval of a community plan, the GSA Regional Administrator will submit to the Commissioner, PBS, the approved plan and a proposed letter that will inform the previously notified planning agencies of the results of the survey. Particular reference will be made to the need, if any, for a new Federal building within a 10-year period or a major lease consolidation which could result in new commercial construction in the community. The letter of notification, issued only with the approval of the Commissioner, PBS, will request that the GSA Regional Administrator be advised of all changes or refinements in the planning information initially provided, and set forth the following minimum data relative to the proposed Federal project:

(i) Area or city in which the project will be located:

(ii) Type of building (office building, post office, courthouse, etc.);

(iii) Approximate size of building;

(iv) Specific site location requirements;

(v) Estimated building population; and

(vi) Estimated total project cost.

(3) When GSA is to conduct a site investigation, propose a significant change in the use of a federally owned property or acquire property by exchange in connection with the construction of a public building, or proposes to issue a solicitation for offers in connection with a lease construction project as described in paragraph (a)(2) of this section, the GSA Regional Administrator will notify the planning agencies and the principal elected official(s) of the community where the proposed action will take place not less than 30 calendar days in advance of the initiation of such action. The organizations and officials so notified will have the 30-day notice period in which to consult with the GSA Regional Administrator and provide him with data and comments pertinent to the proposed action. Notifications of less than 30 calendar days are authorized if GSA program requirements so require.

(4) When GSA takes action pursuant to § 101–47.203–7 of this chapter for the transfer of federally owned real property for a direct project requirement which involves a substantial change in the character of its use, the views of the planning agencies and the principal elected official(s) will be obtained and considered by the GSA Regional Administrator, and these views will be included on GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.

(5) When property is transferred for exchange purposes, the views of the planning agencies and the principal elected official(s) will be considered prior to consummation of the exchange.

(d) The provisions of paragraph (c) of this section shall not be applied when the Administrator of General Services deems that the application thereof would adversely affect the best interest of the Government.

(e) If GSA has determined that any Federal project under its jurisdiction may significantly affect the quality of the human environment, prior to a final decision concerning that project GSA will provide Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, planning agencies which are authorized to develop and enforce environmental standards, and others as appropriate with an adequate opportunity to review such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (CEQ).

(f) The Federal agencies, planning agencies, and others referred to in paragraph (e) of this § 101–19.100 will be notified as follows concerning Federal projects under GSA jurisdiction that are determined to have a significant effect on the human environment:

(1) GSA will transmit copies of the draft environmental statement, prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act and the regulations of the Council on Environmental Quality to the CEQ and to the Governor of the State, the U.S. Senators of the State, and the U.S. Representative from the congressional district of the State where the project will be located.

(2) Thereafter, GSA will submit copies of the draft statement to the appropriate city mayor and to the Federal, State, and local agencies for comment. The allowable period for comment shall be 30 calendar days, except that the Environmental Protection Agency (EPA) shall have 45 calendar days to submit comments. If requests for extension are made, a maximum period of 15 calendar days may be granted, except for EPA which shall be held to its 45-day review period.

(3) Comments received from the Federal agencies, planning agencies, and others will be reconciled through coordination with the Federal and State agencies concerned. The environmental statement may be revised to reflect the additional data and comments obtained. In any event, a discussion of problems and objections by Federal agencies and State and local entities in the review process and the recommended disposition of the issues involved will be appended to the final text of the environmental statement.

(4) Copies of the final environmental statement will be transmitted to the Council on Environmental Quality.

§ 101–19.101 Application of socioeconomic considerations.

This section provides an effective systematic arrangement to insure the availability of low- and moderate-income housing for Federal employees without discrimination because of race, color, religion, or national origin and to influence the improvement in social and economic conditions in the area of Federal buildings.

§ 101–19.101–1 Location of buildings.

(a) GSA, in all its determinations regarding the location of federally constructed buildings and the acquisition of leased buildings, will consider to the maximum possible extent the availability of low- and moderate-income housing for employees without discrimination because of race, color, religion, or national origin and will affirmatively further the purposes of Title VIII of the Civil Rights Act of 1968.

(b) Final decisions of the Administrator of General Services will be based on the determination that such decisions will improve the management and administration of governmental activities and services and will foster the programs and policies of the Federal Government.

§ 101–19.101–2 Agreement with Secretary of Housing and Urban Development.

(a) The Administrator of General Services has entered into an agreement with the Secretary of Housing and Urban Development to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report to GSA findings on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to proposed locations for a federally constructed building or major lease action having a significant socioeconomic impact on a community.

(b) HUD shall advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, after a site has been selected for a federally constructed building or a lease executed for space and shall assist in increasing the availability of such housing through its own programs.

(c) The text of the HUD–GSA agreement is located at § 101–19.4801.

§ 101–19.101–3 Consultation with HUD.

(a) In the initial selection of a city or delineation of a general area for location of public buildings or leased buildings, GSA will provide the earliest possible notice to HUD of information with respect to such decisions. Regional offices of HUD, as identified by the Secretary of Housing and Urban Development, and local planning and housing authorities will be consulted concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located during the project development investigation.

(b) Regional office representatives of HUD, as designated by the Secretary of Housing and Urban Development, will participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation.

(c) The HUD Regional Administrator will transmit to the Regional Commissioner, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds; i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(d) The actions described in § 101–19.101–3(d) are subject to the provisions of the HUD/GSA Memorandum of Understanding:

(1) All project development investigations.

(2) Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- or moderate-income employees are excepted to be employed in the new building.

(3) GSA requests HUD review in actions of special importance not covered by paragraph (d)(2) of this section.

(e) The Regional Commissioner, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in (c), the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by the HUD Regional Administrator and agree on the time required to properly present HUD's view.

(f) GSA will provide a written explanation when, after headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in (c), in accordance with the HUD-GSA Memorandum of Understanding.

§ 101–19.101–4 Affirmative action plan.

(a) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include the following points:

(1) The corrective actions specified by HUD under § 101–19.101–3(c).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the affirmative action plan.

(3) All agreements which constitute an affirmative action plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(b) The contents of the affirmative action plan will be made public after the site selection decision has been made by GSA.

(c) The HUD Regional Administrator shall be responsible for monitoring compliance with the written affirmative action plan. In the event of noncompliance, HUD and GSA shall undertake appropriate action to secure compliance. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provisions of such housing when such obstacles exist and to take effective steps to insure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist in personnel to obtain such housing. As part of any plan, during as well as after its development, HUD will give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

§ 101–19.101–5 Agency compliance.

(a) Agencies shall cooperate with the Administrator of General Services and provide such information as may be necessary to effectively comply with these regulations and to cooperate with the Secretary of Housing and Urban Development to affirmatively further the purposes of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601).

(b) As a minimum, agencies shall determine the number of positions by grade and an estimate of the number of employees whose jobs are being moved. Further details, such as family income and size, minority status, present home location, and status as head-of-household, may also be required depending upon the type, scope, and circumstances of the relocation. GSA will inform agencies concerning specific situations.

(c) Federal agencies who will relocate shall provide counseling and referral service to assist their personnel in obtaining housing. GSA and HUD will cooperate in this effort.

Subpart 101–19.2—Selection and Approval of Projects

§ 101–19.201 Determination of need.

Construction and alteration projects will be selected by the Administrator of General Services based on a continuing investigation and survey of the public building needs of the Federal Government.

§ 101–19.202 Priority of projects.

Projects shall be equitably distributed throughout the United States with due regard for the comparative urgency of the need for each project as determined by the Administrator of General Services.

§ 101–19.203 Approval of projects.

(a) All construction and alteration projects, unless specifically exempted, involving an expenditure in excess of $500,000 shall require approval by the Committees on Public Works of the Senate and House of Representatives.

(b) Federal agencies identifying a need for construction or alteration of a public building shall provide the necessary information, including description of the work, location, estimated maximum cost, and justification to the Administrator of General Services.

(c) The Administrator of General Services shall submit prospectuses for approval of projects to the Committees on Public Works of the Congress.

§ 101–19.204 Cooperation and assistance of Federal agencies.

(a) Federal agencies shall advise and cooperate in the compilation of information supporting a project. Such information shall include:

(1) A statement of net space occupied in public buildings by the Federal agency in the community for which the project is intended, and an itemization of area in square feet allocated to each specific agency function.

(2) A firm statement of entire space and facility requirements.

(3) Detailed information on space requiring special structural or mechanical facilities. Special use facilities for special purpose needs such as built-in and fixed equipment for laboratory, clinical, and other special use purposes must be incorporated into the project prior to submission of the prospectus.

(4) Identification of locations where space should be retained in preference to inclusion in the proposed project.

(b) Space requirements shall be based on currently authorized personnel and program activities including information on major changes anticipated within the next 5 years.

(c) Requested information shall be submitted within 60 days of the receipt of a request for such information.

(d) Agencies will not be permitted to make changes in approved space layout drawings submitted to GSA for new buildings, following established terminal dates, except where subsequent unusual and compelling agency developments make changes necessary. Requests for such changes will be submitted, over the signature of the head of the department or agency, to the Administrator of General Services for consideration.

Subpart 101–19.3—Alteration Projects

§ 101–19.301 Emergency alteration projects.

Necessary measures to insure the immediate protection of personnel and facilities and for the preservation of life and the avoidance of further property damage may be taken in an emergency prior to the submission of an alteration project prospectus.

§ 101–19.302 Prospectuses for reimbursable alteration projects.

Reimbursable alteration project prospectuses will be prepared on an "as requested" basis. A project which is to be financed in whole or in part from funds appropriated to the requesting agency may be performed without the approval of the committees when the agency appropriation from which payment is to be made is certified by that agency to be available without regard to the provisions of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) and the GSA's portion of the estimated cost, if any, does not exceed $500,000.

Subpart 101–19.4—Construction Projects

§ 101–19.401 Contracting for construction.

Contracting for construction services by GSA will be in accordance with Chapter 1 (FPR) and Chapter 5B (GSPR) of this title. The method used will be that most advantageous to the Government.

§ 101–19.402 Architectural and engineering services.

(a) GSA will develop or acquire, by contract, designs and specifications for suitable buildings that will provide space that can be economically utilized and operated, and which are in harmony with surrounding structures in the community.

(b) The contract services of qualified private architects or engineers will be utilized to the fullest extent compatible with the public interest in the performance of architectural or engineering services in connection with the preparation of drawings and specifications for GSA construction projects.

(c) Executive agencies may contract for professional engineering, architectural, and landscape architectural services for projects which fall within the definition of a "public building" contained in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) only when the Administrator of General Services has delegated his responsibilities and authorities pursuant to section 15 of that Act (40 U.S.C. 614). (See § 101–19.501 regarding delegations of authority.)

Subpart 101–19.5—Delegation of Authority

§ 101–19.501 Conditions justifying delegation.

The authorities and responsibilities of the Administrator of General Services under the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615), shall, except for the authority in section 4 of that Act, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed $100,000 and may, in the Administrator's discretion, be delegated in cases exceeding that amount. (See sec. 15 of the Act.) When the estimated cost of the project exceeds $100,000, the following criteria will be applied in determining whether a delegation will be made:

(a) The staff capability of the requesting agency to negotiate and administer contracts for the various types of work involved; and

(b) Whether such a delegation will promote efficiency and economy. See § 101–19.402(c) regarding contracts for professional engineering and architectural services.

§ 101–19.502 Exercise of delegation.

Delegated work shall be performed according to standards established by the Administrator of General Services. No such delegation of authority shall exempt the person to whom it is made, or the exercise of such authority, from any provision of the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615).

Subpart 101–19.6—Accommodations for the Physically Handicapped

§ 101–19.600 Scope.

This subpart prescribes standards for the design, construction, and alteration of buildings to ensure that physically handicapped persons will have ready access to and use of such buildings and recordkeeping requirements related thereto.

§ 101–19.601 Authority and applicability.

This subpart implements Public Law 90–480, approved August 12, 1968, as amended by Public Law 91–205, approved March 5, 1970. The standards prescribed apply to all Federal agencies and instrumentalities and to non-Federal organizations to the extent provided in the Act.

§ 101–19.602 Definitions.

The following definitions shall apply to this Subpart 101–19.6:

(a) "Building" means any building or facility (other than residential structures; buildings, structures, and facilities of the Department of Defense; and any other building or facility on a military reservation designed and constructed primarily for use by able-bodied military personnel) the intended use for which will require either that such building or facility be accessible to the public or may result in the employment therein of physically handicapped persons, which is to be:

(1) Constructed or altered by or on behalf of the United States;

(2) Leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans and specifications of the United States;

(3) Financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if the building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such a grant or loan; or

(4) Constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) "Alteration" means repairing, improving, remodeling, extending, or otherwise changing a building.

§ 101–19.603 Standards.

Except as otherwise provided in § 101–19.604, every building designed, constructed, or altered after September 2, 1969, shall be designed, constructed, or altered in accordance with the minimum standards in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1—R 1971," approved by the American Standards Association, Inc. (subsequently changed to American National Standards Institute, Inc.).

§ 101–19.604 Exceptions.

The standards established in § 101–19.603 shall not apply to:

(a) The design, construction, or alteration of any portion of a building which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(b) The alteration of an existing building if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(c) The alteration of an existing building, or of such portions thereof, to which application of the standards is not structurally possible; and

(d) The construction or alteration of a building for which bids have already been solicited or plans and specifications have been completed or substantially completed on or before September 2, 1969.

provided, however, that any building defined in § 101–19.602(a)(4) shall be designed, constructed, or altered in accordance with the standards prescribed in § 101–19.603 regardless of design status or bid solicitation as of September 2, 1969.

§ 101–19.605 Waiver or modification of standards.

The applicability of the standards set forth in this subpart may be modified or waived on a case-by-case basis upon application to GSA by the head of the department, agency, or instrumentality of the United States concerned only if the Administrator of General Services determines that such waiver or modification is clearly necessary.

§ 101–19.606 Recordkeeping.

The administering agency's file on each contract or grant for the design, construction, or alteration of a building as defined in § 101–19.602 shall be documented with a statement either: (a) that the standards are applicable to and have been or will be incorporated in the design, the construction, or the alteration, as the case may be; (b) that the grant has been or will be made subject to a requirement that the standards will be incorporated in the design, the construction, or the alteration, as the case may be; (c) that the standards have been waived by the Administrator of General Services (in which event the justification for waiver shall be stated); (d) that the project is within one of the exceptions set out in § 101–19.604 (the specific exception being identified); or (e) such other statements as may be appropriate with respect to application of the standards to the contract or grant. The head of each agency shall be responsible for implementing the file documentation requirement by regulation or other appropriate means. The documentation shall be made available to the Administrator of General Services upon request.

Subparts 101–19.7—101–19.47

[Reserved]

Subpart 101–19.48—Exhibits

§ 101–19.4800 Scope of subpart.

This Subpart 101–19.48 illustrates information referred to in the text of Part 101–19 but not suitable for inclusion elsewhere in that part.

§ 101–19.4801 Memorandum of understanding between the Department of Housing and Urban Development and the General Services Administration concerning low- and moderate-income housing.

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE GENERAL SERVICES ADMINISTRATION CONCERNING LOW- AND MODERATE-INCOME HOUSING

Purpose. The purpose of the memorandum of understanding is to provide an effective, systematic arrangement under which the Federal Government, acting through HUD and GSA, will fulfill its responsibilities under law, and as a major employer, in accordance with the concepts of good management, to assure for its employees the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, and to consider the need for development and redevelopment of areas and the development of new communities and the impact on improving social and economic conditions in the area, whenever Federal Government facilities locate or relocate at new sites, and to use its resources and authority to aid in the achievement of these objectives.

1. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601) states, in section 801, that "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Section 808(a) places the authority and responsibility for administering the Act in the Secretary of Housing and Urban Development. Section 808(d) requires all executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of title VIII (fair housing) and to cooperate with the Secretary to further such purposes. Section 808(e)(5) provides that the Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of Title VIII.

2. Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) declares the national policy of "* * * the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family * * *." This goal was reaffirmed in the Housing and Urban Development Act of 1968 (sections 2 and 1601; 12 U.S.C. 1701t and 42 U.S.C. 1441a).

3. By virtue of the Public Buildings Act of 1959, as amended; the Federal Property and Administrative Services Act of 1949, as amended; and Reorganization Plan No. 18 of 1950, the Administrator of General Services is given certain authority and responsibility in connection with planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

4. Executive Order No. 11512, February 27, 1970, sets forth the policies by which the Administrator of General Services and the heads of executive agencies will be guided in the acquisition of both federally owned and leased office buildings and space.

5. While Executive Order No. 11512 provides that material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and functions of the facilities involved, there are six other guidelines set forth, including:

The need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area; and

The availability of adequate low- and moderate-income housing, adequate access from other areas of the urban center, and adequacy of parking.

6. General Services Administration (GSA) recognizes its responsibility, in all its determinations with respect to the construction of Federal buildings and the acquisition of leased space, to consider to the maximum possible extent the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, in accordance with its duty affirmatively to further the purposes of title VIII of the Civil Rights Act of 1968 and with the authorities referred to in paragraph 2 above, and the guidelines referred to in paragraph 5 above, and consistent with the authorities cited in paragraphs 3 and 4 above. In connection with the foregoing statement, it is recognized that all the guidelines must be considered in each case, with the ultimate decision to be made by the Administrator of General Services upon his determination that such decision will improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government.

7. In addition to its fair housing responsibilities, the responsibilities of HUD include assisting in the development of the Nation's housing supply through programs of mortgage insurance, home ownership and rental housing assistance, rent supplements, below market interest rates, and low-rent public housing. Additional HUD program responsibilities which relate or impinge upon housing and community development include comprehensive planning assistance, metropolitan area planning coordination, new communities, relocation, urban renewal, model cities, rehabilitation loans and grants, neighborhood facilities grants, water and sewer grants, open space, public facilities loans, Operation BREAKTHROUGH, code enforcement, workable programs, and others.

8. In view of its responsibilities described in paragraphs 1 and 7 above, HUD possesses the necessary expertise to investigate, determine, and report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis and to make findings as to such availability with respect to proposed locations for a federally-constructed building or leased space which would be consistent with such reports. HUD also possesses the necessary expertise to advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, once a site has been selected for a federally-constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs such as those described in paragraph 7 above.

9. HUD and GSA agree that:

(a) GSA will pursue the achievement of low- and moderate-income housing objectives and fair housing objectives, in accordance with its responsibilities recognized in paragraph 6 above, in all determinations, tentative and final, with respect to the location of both federally constructed buildings and leased buildings and space, and will make all reasonable efforts to make this policy known to all persons, organizations, agencies and others concerned with federally owned and leased buildings and space in a manner which will aid in achieving such objectives.

(b) In view of the importance to the achievement of the objectives of this memorandum of agreement of the initial selection of a city or delineation of a general area for location of public buildings or leased space, GSA will provide the earliest possible notice to HUD of information with respect to such decisions so that HUD can carry out its responsibilities under this memorandum of agreement as effectively as possible.

(c) Government-owned Public Buildings Projects:

(1) In the planning for each new public buildings project under the Public Buildings Act of 1959, during the survey preliminary to the preparation and submission of a project development report, representatives of the regional office of GSA in which the project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low and moderate income housing on a nondiscriminatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and

9(a). A copy of the prospectus for each project which is authorized by the Committees on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed, a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) Major lease actions having a significant socioeconomic impact on a community: At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate-income housing on a nondiscriminatory basis to the delineated area. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committees on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low- and moderate-income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the DHUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9(d) with respect to an area or site indicates that the supply of low- and moderate-income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

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AUTHORITY: (40 U.S.C. 1, 19, 281, 285); (20 U.S.C. 107 et seq.); (40 U.S.C. 130, 291, 318 et seq.); 63 Stat. 377, (40 U.S.C. 490 note); 73 Stat. 479, (40 U.S.C. 601 et seq.).

§ 101–20.000 Scope of part.

The regulations in this part prescribe policies and procedures which GSA provides for the management, operation, protection, and maintenance of Government-owned and -leased buildings and grounds required by the Federal agencies to undertake their assigned missions.

§ 101–20.001 Authority.

This Part 101–20 implements the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of March 1, 1919 (40 U.S.C. 1); the Act of June 23, 1923 (40 U.S.C. 281); the Act of May 27, 1924 (D.C. Code, 1961 ed., 4–208); the Act of June 20, 1936 (20 U.S.C. 107 et seq.); the Act of December 10, 1941 (40 U.S.C. 291); the Act of May 14, 1948 (40 U.S.C. 130); the Act of June 1, 1949 (40 U.S.C. 318 et seq.); the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended); the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR); the Public Buildings Act of 1959, as amended (73 Stat. 479); and the Public Buildings Amendments of 1972 (40 U.S.C. 601 et seq.).

§ 101–20.002 Basic policy.

It is the policy of GSA, with due regard for the program activities of the agencies concerned and the best interest of the Government, to provide or otherwise arrange for improvements, alterations, repairs, and necessary services required to house occupant agencies and permit them to carry out their programs in an efficient manner.

§ 11–20.003 Definition of terms.

The following definitions are established for terms used in this Subchapter D.

§ 101–20.003–1 Maintenance.

"Maintenance" means to preserve or keep in an existing state or condition by periodic or occasional inspection, adjustment, lubrication, cleaning, and making necessary minor repairs. Ordinary maintenance is that routine recurring work which is incidental to everyday operations. Preventive maintenance is that work which is programed at scheduled intervals.

§ 101–20.003–2 Repair.

"Repair" means the restoration of a facility to a condition substantially equivalent to its original state and efficiency. The distinction is made that whereas maintenance is preventive, repairs are curative. Repairs may involve replacement of component units in whole or in part where the new unit substituted is no better than the old one was when it was acquired. Routine and incidental replacements of parts constitute ordinary repairs; extensive replacements of parts consitute extraordinary repairs.

§ 101–30.003–3 Space adjustment.

"Space adjustment" means a rearrangement of space or relocation of equipment which does not increase building capacity or improve its quality, A "space adjustment" is made usually to accommodate a specific agency operation or to permit the most efficient use of space and facilities.

§ 101–20.003–4 Extension.

"Extension" means an addition or enlargement of an existing building which results in an increase in capacity.

§ 101–20.003–5 Conversion.

"Conversion" includes the redesign, remodeling, and conversion of a building from one use to another; i.e., hospital or warehouse to office space.

§ 101–20.003–6 Alteration.

"Alteration" means repairing, remodeling, improving, extending, or making other changes in a public building.

§ 101–20.003–7 Sidewalk.

"Sidewalk" means the walkway for pedestrains (which may be within or outside the Government property line) around buildings, installations, properties, or grounds owned by the United States, except that the provisions of §§ 101–20.601 and 101–20.602 of this part are not applicable.

§ 101–20.003–8 State.

"State" means the 50 States, political subdivisions thereof, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

§ 101–20.003–9 Furniture and furnishings.

The term "furniture and furnishings" means items normally required in office occupancy, such as desks, tables, chairs, costumers, file cabinets, bookcases, and floor coverings. It does not include desk top items, office machines, or labor-saving devices; nor special desks, tables, or cabinets involved in the use of such equipment; nor items peculiar to an agency's specialized functions.

§ 101–20.003–10 Facility Self-Protection Plan.

"Facility Self-Protection Plan" means a plan that will provide for the protection of life and property during all types of emergencies.

§ 101–20.003–11 Facility Self-Protection Organization.

"Facility Self-Protection Organization" means an organization of employees of a Federal agency(ies) in a building designated to carry out the requirements established in the Facility Self-Protection Plan.

§ 101–20.003–12 Emergency.

"Emergency" includes situations occasioned by bomb threats, civil disorders, fires, explosions, natural disasters, and potential or actual enemy attack.

§ 101–20.003–13 Firesafety.

(a) *Flame retardant.* The term "flame-retardant" shall mean fabrics or films (e.g., thin plastic sheets, cellophane, etc.) that are difficult to ignite, do not spread flame beyond the area exposed, and do not drop flaming parts. Flame-retardant materials shall meet the performance described for the small scale test in National Fire Protection Association Standard No. 701, Standard Method of Fire Test for Flame-Resistant Textile Fabrics or Films. Fabrics or films tested by the National Bureau of Standards or an independent testing laboratory meeting the above requirements using the small scale test as described in NFPA Standard No. 701, or using the test method described in Method No. 5903, Federal Specification CCC–T–191b, Textile Test Methods, are flame-retardant by this definition. In addition, materials labeled as flame-retardant fabrics by Underwriters' Laboratories, Inc., conform with this definition. In any instance where flame-retardance has been provided by chemical treatment, retesting is required after each laundering or cleaning.

(b) *Noncombustible.* The term "noncombustible" includes the following:

(1) Those materials universally accepted as noncombustible such as iron, steel, aluminum, brick, concrete glass, plaster, and asbestos. Such materials are accepted as noncombustible without proof.

(2) Rigid materials, all surfaces of which have fire hazard ratings not exceeding 25 for flame spread and 150 for smoke development when tested in accordance with American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials. For materials to be in the building permanently or for extended periods of time, the fire hazard rating requirements also apply to any core materials. Materials bearing the label of Underwriters' Laboratories, Inc., as having flame spread ratings of not over 25 and smoke development ratings of not over 150 meet these requirements.

(3) Fabrics and films which do not burn, propagate flame, or drop flaming particles when tested in accordance with paragraph (a) of this section.

Noncombustible fabrics may be determined by the use of the test method described in paragraph (a) of this section, or if labeled as noncombustible fabrics by Underwriters' Laboratories, Inc.

Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

§ 101–20.100 General.

This subpart prescribes the standards to be applied and the services to be provided in managing buildings and grounds for which GSA has space assignment responsibility. In providing services, GSA shall furnish the necessary labor, material, supplies, utilities, and supervision to insure the efficient operation and maintenance of the building equipment and systems.

§ 101–20.101 Building operations and maintenance.

GSA shall provide the following:

(a) Cleaning for all types of space at a level equivalent to the cleaning furnished commercially for similar types of space within the service levels prescribed in § 101–21.300.

(b) Maintenance and repairs of exterior grounds, sidewalks, driveways, and parking areas.

(c) Illumination levels that are adequate for the task being performed and in accordance with recognized GSA standards.

(d) Adequate heating in office, court, postal, special, and similar space during the heating season and within the service levels prescribed in § 101–21.300. In storage, parking, and similar space, suitable temperature shall be maintained for the type of use.

(e) Adequate air-conditioning in office, court, postal, special, and similar space in air-conditioned buildings during the air-conditioning season and within the service levels prescribed in § 101–21.300. Storage, parking, and similar space will not normally be furnished air-conditioning but shall be provided with adequate mechanically supplied ventilation.

(f) One duplex electrical receptacle and one telephone outlet per 100 net assignable square feet in office and special space, upon request. Electricity will be provided for office appliances and machines, including vending machines used by occupants.

(g) Adequate plumbing and sewerage systems in compliance with applicable GSA standards, and hot and cold running water in toilet rooms. Drinking water at suitable temperatures will be furnished in standard fountains or refrigerated water coolers.

(h) Adequate passenger and freight service with either manually or automatically operated elevators or similar systems.

(i) Arrangements for raising and lowering the U.S. flags at appropriate times in Government-owned facilities and in leased facilities where the Federal Government is the sole occupant.

(j) Safety services, including the maintenance of a safe environment; removing, safeguarding, or correcting conditions hazardous to persons or property; and maintaining in a state of adequacy and readiness all safety and fire protection devices, equipment, and systems.

(k) Maintenance of building equipment, such as directory and bulletin boards at the main entrances, clocks, door closers, window shades or venetian blinds, and door keys, and changing of locks except those changed for security purposes.

§ 101–20.102 Alterations and repairs.

GSA shall arrange for:

(a) Repainting office, court, postal, joint-use, and similar space at least once every 5 years, and repainting public areas in these spaces once every 3 years. Additional painting will be performed on a reimbursable basis.

(b) Alterations, improvements, and repairs to buildings and facilities as necessary to protect building occupants, visitors, operational continuity of the agencies housed, and the investment of the Government within the limit of funds available therefor. Such work shall be performed in leased premises by GSA to the extent that the Government is responsible therefor under the provisions of the lease; and to the extent that the limitations of section 322 of the Economy Act (40 U.S.C. 278a) are not exceeded except as otherwise provided by law.

(c) Alterations or space adjustments (1) comparable to those normally provided by the commercial sector for new occupants in buildings for which GSA has assignment responsibility or (2) to the extent necessary as a result of moves ordered by GSA in the assignment or reassignment of space.

(d) Space adjustments or alterations requested by an agency for its convenience in rearranging, expanding, relocating, or consolidating activities, or for laboratory, scientific, or other special functions on a reimbursable basis, subject to approval of the changes by GSA. Approval will be based on engineering and structural limitations of the building, conformance with policy and normal practice in the building, and limitations due to lease provisions or law. All such work shall be performed under the supervision of GSA.

§ 101–20.103 Leased buildings.

Space and service in leased buildings will be based on the same standards and levels of services provided in Government-owned space. However, the scope of the operation and maintenance performed by GSA will be predicated on the extent of the lessor's liability therefor under the terms of the lease. Agencies are not authorized to negotiate with lessors for alterations on building services without prior approval of GSA.

§ 101–20.104 Physical protection and building security.

(a) There will be furnished physical protection to provide for the safety of those using the facilities, for maintaining order, for safeguarding the Government's interest in the facilities, and for otherwise forestalling interference with the normal process of the Government. Subpart 101–20.5 prescribes policies and procedures for the physical protection of space under the assignment responsibility of GSA.

(b) Security protection beyond that provided under normal coverage can be made available on a reimbursable basis at the request of the occupants.

§ 101–20.105 Reimbursable services.

Services over and above those prescribed in §§ 101–20.101, 101–20.102, 101–20.103, and 101–20.104 or those services that are requested by and performed for the convenience of occupant agencies shall be provided or arranged for by GSA on a reimbursable basis. Such services include:

(a) Installation, removal, and relocation of partitions and relocation of electric and telephone outlets (all subject to the approval of the buildings manager); the installation of annunciator and buzzer systems, and the moving of furniture and office equipment.

(b) Security guarding and protection of classified records and property.

(c) Installation, operation, maintenance, and repair of burglar alarms and other automatic protective devices and systems for security protection due to the special nature of an agency's activities.

(d) Utilities for heating, air-conditioning, and specialized equipment such as printing machines and computers over and above the standard levels prescribed in § 101–21.300.

(e) Construction, installation, operation, maintenance, and repair of special equipment and the space adjustments required in buildings as a result of such installations.

(f) Construction, installation, and maintenance of exhibits.

(g) Washing and polishing furniture and cleaning inside file cabinets, bookcases, desks, and other personal property.

(h) Space alterations for scientific, laboratory, or other specialized purposes, including installation and repair of special ventilating, temperature, and humidity control equipment.

(i) Services of motion picture operators and other personnel required in the use of auditoriums and conference rooms.

(j) Janitorial, heating, air conditioning, and other services that are provided over and above the services prescribed in §§ 101–20.101, 101–20.102, 101–20.103, and 101–20.104.

§ 101–20.106 Furniture and furnishings.

§ 101–20.106–1 Responsibility for financing.

Unless otherwise provided by statute, each agency will be responsible for financing its furniture and furnishings requirements at all locations. In this connection, to the maximum extent practicable, requirements shall be met from excess stock, including rehabilitated equipment, even though such items may not conform to present standards.

§ 101–20.106–2 Funding for moving.

Moving of office equipment, furniture and furnishings, and other personal property will be accomplished when required as a result of moves ordered by GSA in the assignment and reassignment of agencies to space in which GSA has assignment responsibility. Moving services requested by an agency for its convenience in rearranging or consolidating activities will be performed on a reimbursable basis.

§ 101–20.106–3 Moving of furniture and furnishings.

The moving of furniture and furnishings in the reassignment of space under the control of GSA for space assignment purposes shall be restricted to the fullest extent practicable in the interest of efficiency and economy. Furniture and furnishings (except filled file cabinets) shall not be moved when suitable furniture and furnishings can be made available to the agency or segment of an agency reassigned to a new location.

§ 101–20.106–4 Determinations.

Since the determinations with respect to the availability of furniture and furnishings for outfitting an office are dependent to a large degree on the size, location, and type of occupancy of the individual blocks of space which may be involved, the determinations required by section 210(g) of the Federal Property

and Administrative Services Act (40 U.S.C. 490(g)) shall be made by appropriate GSA officials, in consultation with duly authorized agency officials, at the local level as circumstances in each case warrant. Determinations shall be based on accomplishing the move:

(a) At the least total cost to the Government;

(b) Without engaging in new or extensive procurement of furniture; and

(c) Without causing undue delay in the work schedule of the moving agency.

§ 101–20.106–5 Furniture control.

The furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of GSA without reimbursement, except those purchased from trust funds. Such furniture will be reassigned to other using agencies or reported excess. When furniture is reassigned by GSA, custody and accountability therefor will be transferred to the using agency. Internal moves made by agencies within assigned areas and not subject to space reassignment action by GSA are exempt from the requirements of this § 101–20.106. However, in the interest of efficiency and economy, agencies should restrict the moving of furniture to the extent feasible.

§ 101–20.107 Conservation of services.

Occupant agencies shall assist in the management of buildings by practicing good housekeeping methods and, wherever possible, by exercising economy in the use of electric current, heat, cooling, building supplies, facilities, and other services. Utilities shall be conserved by turning off lights and equipment when they are not needed. Supplies furnished in the servicing of buildings should be conserved. Equipment and furnishings should be kept neat and orderly. Stowage of books, papers, and other materials on the floor or on top of equipment, desks, or tables should be avoided. Trash and other waste materials should be disposed of in the receptacles provided. Soiling or damaging walls and other painted surfaces is prohibited. It is the responsibility of agencies occupying space in Government-owned or -leased quarters to require their employees to observe such conservation practices.

§ 101–20.108 Door title cards and holders.

Room and occupant identification cards and holders are provided by GSA. The identification system is subject to the following requirements:

(a) Identification signs shall indicate the room or area number and the organizational title of the occupant. Organizational and directional signs are to be avoided at doors which are not intended as entrances for visitors. Organizational information shall be limited to three lines of copy.

(b) In existing buildings, identification cards, normally 8 by 6 inches in size, shall be displayed adjacent to the door in one 8- by 6-inch metal frame. In new buildings and those buildings which undergo major renovations, the information shall be displayed similarly on single-line plastic inserts in a maximum of three 1- by 8-inch single-line metal holders.

(c) The use of identification signs in conjunction with lobby and floor directory boards and information centers should improve occupant identification to meet the needs of the public.

(d) Agencies requiring organizational information on directory boards and the doors to their assigned space should submit Optional Form 12, Request for Door Title Cards and Holders, to the GSA buildings manager. Optional Form 12 also should be used for requesting GSA to furnish other cards, signs, and sign writing for the benefit of the occupant as a reimbursable service.

§ 101–20.109 Firesafety.

§ 101–20.109–1 Exits.

All exits, accesses to exits, and accesses to emergency equipment shall be accessible and clear at all times the building is open for business.

§ 101–20.109–2 Housekeeping and orderliness.

Each agency shall maintain its assigned space and conduct its operations in such a manner as to maintain a neat and orderly facility, avoiding increased potential of fire initiation, fire propagation, or fire severity.

§ 101–20.109–3 Occupancy hazards.

Hazardous, explosive, flammable, or combustible materials which exceed that normal to the type of operation indicated in the agency's initial space assignment shall not be brought into the building or shall not be utilized unless authorized by GSA and any additional protective procedures, arrangements, or devices determined by GSA to be needed have been provided.

§ 101–20.109–4 Draperies and curtains.

All draperies, curtains, and similar hanging materials shall be of a noncombustible or flame-retardant fabric.

§ 101–20.109–5 Decorations and displays.

(a) Decorations and displays within assigned space shall conform to the general use of space as appropriate. Where large groups of persons are expected to view displays, adequate provision shall be made for emergency egress.

(b) Except as noted in subparagraphs (1) through (3) of this paragraph, all decorations and displays in corridors, lobbies, or other public spaces and in cafeterias, auditoriums, or other places of assembly shall be constructed of noncombustible or flame-retardant materials and kept completely free and clear of any exit or access to an exit.

(1) Limited amounts of combustible or flammable materials shall be permitted for small displays or for elements in larger size displays where, in the judgment of GSA, such materials do not present a hazard to life or property.

(2) Traditional Christmas decorations on office doors may contain limited amounts of combustible or flammable materials.

(3) Natural Christmas trees may be brought into buildings for not more than 2 weeks provided they stand in water, are clear of any exitways or exit lobbies, and are not over 4 feet in height, except as noted in subdivisions (i) and (ii) of this subparagraph. Noncombustible artificial Christmas trees are permitted in any size provided they do not interfere with any exit or access to an exit.

(i) In any building lobby where a Christmas tree has traditionally been placed, the buildings manager may permit the use of a natural Christmas tree exceeding the 4-foot limitation provided the tree is cut on or after December 1, the tree stands in water, the position of the tree is clear of exit routes by a distance equal to the height plus 6 feet, there are no other combustibles in the area likely to be ignited by fire in the tree, and the maximum height of the tree does not exceed two-thirds the ceiling height. No tree shall, however, exceed 15 feet in height.

(ii) If the requirements of any ordinance or regulation as applied to natural Christmas trees in non-Federal buildings or private office buildings within the local jurisdiction are more restrictive than this regulation, those requirements shall be considered a portion of this regulation.

(c) Decorations and displays shall not involve lighted candles or other open flame or other high heat producing devices unless such use is determined safe by GSA.

§ 101–20.109–6 Movable partitions.

(a) All newly installed or relocated movable partitions, including partial-height (bank-type), shall be noncombustible. (See § 101–20.003–13.)

(b) Installed movable partitions which contain combustible components do not require immediate replacement except where serious hazard to life exists from smoke or fire.

(c) Replacement of movable partitions or combustible components, including translucent plastic panels in bank-type partitions, is the responsibility of the user. A long-range program for minimizing fire hazards shall be instituted in locations where such partitions or components exist, in the following order of priority:

(1) Along egress paths in nonsprinkler protected occupancies.

(2) Along egress paths in sprinkler protected occupancies.

(3) In offices having floor areas of more than 1,000 square feet located on or below the middle story of buildings 10 stories or more in height where the occupancies are not sprinkler protected.

(4) In other offices having floor areas of more than 1,000 square feet which are not sprinkler protected.

(5) In offices having floor areas of 1,000 square feet or less located on or below the middle story of buildings 10

stories or more in height where the occupancies are not sprinkler protected.

(6) In other offices having floor areas of 1,000 square feet or less which are not sprinkler protected.

(7) In offices having floor areas of more than 1,000 square feet which are sprinkler protected.

(8) In offices having floor areas of 1,000 square feet or less which are sprinkler protected.

§ 101–20.109–7 Regulation of smoking.

Each agency shall post and enforce "no smoking" rules in any location involving flammable liquids, flammable gases, or flammable vapors or in other locations where there is a collection of readily ignitible combustible materials. Adequate noncombustible ash trays or receptacles shall be provided in locations where smoking is permitted.

§ 101–20.109–8 Fire prevention activities of occupant agencies.

All agencies shall be concurrently responsible with GSA for the development and maintenance of sound fire prevention programs to insure that: (1) Facilities are kept in the safest condition practical; (2) employees are trained to make optimum use of the building safety features; and (3) other necessary actions are taken to insure the maximum safety and well-being of the occupants in case of fire or similar emergency. Specific areas of participation of each agency shall include:

(a) Periodic inspections of the space and building features as they relate to the safety of all persons and property located within or on the real property. Such inspections shall not relieve GSA of its responsibilities for such areas, nor shall inspections by GSA or others relieve occupant agencies of their responsibilities for maintaining full knowledge of firesafety conditions. Where hazards are found, agencies shall be responsible for correcting the hazardous conditions within their responsibilities and for reporting those not their responsibility to GSA.

(b) Cooperation and participation with facility self-protection organizations as described in Subpart 101–20.5 and participation in one or more building fire drills each year that include evacuation or movement of personnel.

(c) Education programs conducted unilaterally and in cooperation with GSA to familiarize employees with the problems and hazards related to fire, including instructions to observe safe practices for fire prevention.

(d) Motivation of their employees to conduct their work in a firesafe manner.

§ 101–20.110 Employee-owned electrical equipment.

An agency desiring to have an employee-owned electrical appliance installed in a building under the jurisdiction of GSA shall submit a request in writing to the GSA buildings manager in charge of the building in which the installation is to be made. The request shall describe the appliance and its intended use and shall have been approved by an authorized representative of the agency. The buildings manager will inform the requesting agency of the approval or disapproval of the request. All installations shall be made by or under his direction and in conformance with the safety and installation requirements. Whether payment will be required therefor shall be determined from the applicable provisions of Subpart 101–20.1. The buildings manager will provide for the periodic inspection of all installations of electrical appliances to guard against possible fire hazards and to ensure the observance of good housekeeping practices. When the use or installation of the appliance does not conform to the appropriate safety, installation, and sanitary requirements, the agency will be requested to order its removal.

§ 101–20.111 Vehicle parking facilities.

§ 101–20.111–1 General.

GSA is responsible for determining what space in and around existing Government-owned properties under its custody and control may be utilized for vehicle parking purposes.

§ 101–20.111–2 Policy.

(a) GSA will establish, to the extent funds are available therefor, vehicle parking facilities in and around existing Government-owned properties under the custody and control of GSA. Such facilities will be consistent with the character of other properties in the neighborhood, will not adversely affect the use or appearance of the Government property, and will not constitute a traffic hazard. GSA will allocate parking space at the facility in the following order of priority:

(1) Postal manuevering area and official postal vehicle parking (including contract mail hauling vehicles and private vehicles of rural carriers);

(2) Government-owned vehicles used for criminal apprehension law enforcement activities;

(3) Privately owned vehicles of Federal judges, Members of Congress, and heads of occupant agencies (priority is limited to the individuals and does not include members of their staffs);

(4) Official parking other than that listed in subparagraphs (1) and (2) of this paragraph:

(i) Net requirements for Government-owned vehicles other than those listed in subparagraphs (1) and (2) of this paragraph, including motor pool dispatch service vehicles and vehicles assigned directly to occupant agencies, shall be an amount less than the total number of vehicles assigned to the pool, depending on the nature of the pool operations;

(ii) Areas assigned for Government-owned vehicles, including postal and motor pool areas, shall also be used during other than early morning or late afternoon hours for visitors, service vehicles, privately owned vehicles regularly used for official business, physically handicapped employees of occupant agencies, and occupant agency employees not otherwise accommodated (with preference given to carpool drivers), in the order named. In connection with part-time use of these areas, street parking, municipal lots, and commercial parking facilities may be used during early and late hours when Government-owned vehicles are occupying assigned spaces;

(5) Vehicles of patrons and visitors and service vehicles not accommodated under subparagraph (4) (ii) of this paragraph; and,

(6) Privately owned vehicles of employees of occupant agencies not otherwise accommodated.

(b) From time to time, as necessary and appropriate, GSA will make surveys, conduct studies, and review parking space allocations to:

(1) Determine the rate of utilization of space in vehicle parking facilities and increase, where feasible, the number of vehicles authorized to use the facilities; and

(2) Reallocate spaces, as necessary, in accordance with the priorities set forth in § 101–20.11–2(a).

(c) GSA will coordinate agency vehicle parking requirements within the urban centers listed in § 101–18.102 so that agencies are made aware of the availability of parking space within each urban center.

(d) See §§ 101–17.101 and 101–18.105 (c) for instructions concerning the procurement of commercial parking space by executive agencies.

(e) GSA or agencies, as appropriate, will employ commercial practices of parking management concerns by parking vehicles bumper-to-bumper with a minimum of access aisles. In those instances, allocation will be made by block assignments rather than to individual spaces, thus enabling overallocation to compensate for employees on leave or otherwise absent. In instances where allocation of parking spaces is made on the basis of individual spaces rather than block areas, poor utilization usually results. Therefore, adequate justification must be documented showing economic or other significant reasons for individual space allocation rather than block allocation. Paid attendants may be used in some instances under arrangements with a parking management contractor (concessionaire). In these instances, charges shall be made for parking to compensate the concessionaire. In other instances, self-parking on a bumper-to-bumper basis without the use of attendants may be arranged through agency cooperation with no charges made for parking.

(f) In the process of laying out parking spaces for maximum utilization, GSA safety specialists will review the proposed arrangements to ensure compliance with sound safety and fire prevention practices.

(g) Heads of agencies, in assigning spaces to Government employees, shall promote the use of carpools so the maximum use is made of parking facilities.

(h) Motor pool vehicles and vehicles on indefinite assignment to agencies shall be subject to the same parking procedures (such as bumper-to-bumper parking) as employee vehicles.

(i) The provision of facilities for storing vehicles which have been impounded by law enforcement agencies shall be limited to outlying locations where spaces are not at a premium.

§ 101–20.111–3 Parking space assignment.

Allotment of areas will be made to agencies which shall administer those areas for parking purposes. Guidelines for policing public buildings and grounds, including parking areas, are set forth in Subpart 101–20.3. Formal space assignment procedures shall not apply to parking areas. If agencies wish GSA to assign spaces at a facility, the order or priority indicated in § 101–20.111–2 will be followed. If necessary, and at occupant agency request, provisions will be made by GSA to regulate the use of parking areas by policing with GSA or other Government personnel, or by arrangement with local law enforcing authority. Unusual protection requirements shall be subject to reimbursement.

§ 101–20.112 Concessions.

§ 101–20.112–1 Applicability.

This section applies to concessions in buildings operated by GSA, except vending stands operated by blind persons under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.).

§ 101–20.112–2 General.

(a) Concessions require the use of space and the provision of various building facilities and services. The type and location of each concession may seriously affect GSA costs for its installation, as well as later costs for building maintenance and operation.

(b) It is essential, therefore, that the type and location of each concession be satisfactory to GSA and that each concession contract definitely establish the responsibilities of the concessionaire with respect to costs and other matters which affect building maintenance and operation. It also is imperative that consideration be given to pertinent legislation and the terms of existing contracts between GSA and concessionaires.

(c) GSA will arrange for the establishment of all concessions, including public telephones, in buildings under its custody and control. It will provide suitable space for approved concessions, arrange for necessary alterations and installations, enter into contracts or issue permits, and select concessionaires.

§ 101–20.112–3 Transferred buildings.

Concessions which were contracted for or otherwise arranged for by a Federal agency having custody and control of a building before its transfer to GSA, except concessions operated by the blind, may be continued under the supervision of that agency upon written approval of GSA subject to the following:

(a) Proposed alterations and improvements, purchases of equipment for replacement, and other matters affecting the building structure or its maintenance and operation, shall be approved by GSA.

(b) GSA will arrange for periodic inspections to insure compliance with safety, health, and sanitary codes.

§ 101–20.112–4 Supervision.

(a) Responsibility for supervision and administration of all concessions, except as provided in § 101–20.112–3, is vested in GSA.

(b) In the case of contracts and permits to which GSA is a party, officials of occupant agencies shall not, unless authorized by GSA, instruct concessionaires concerning types of service, articles to be sold, prices, or any other phase of operations. They shall communicate their wishes and requirements in such matters and shall refer suggestions and criticisms of Federal employees to the GSA buildings manager or to the appropriate regional official of GSA who will take such action in consequence thereof as may be deemed appropriate.

§ 101–20.112–5 Determination of need.

GSA will determine the need for concessions based on the following requirements:

(a) There must be adequate justification for each concession.

(b) Sufficient funds shall be available to defray the cost of providing necessary utility lines, preparing space, and doing other things for which the Federal Government will be responsible.

(c) Sufficient and satisfactory space must be available for the purpose.

(d) It shall be possible to establish and operate each concession in conformance with safety, health, and sanitary codes.

(e) There shall be no contravention of the provisions of law, or the terms of any lease (except with the prior consent of the lessor).

(f) The proposed concession shall not be detrimental or objectionable to other occupant agencies in the building.

(g) Commodities and services sold shall be limited to those which Federal employees may need to obtain while on duty, which are essential to their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities; *Provided:* That this requirement shall not prevent the approval of concessions required to serve a functional need of an occupant agency, as when the Government provides meals to inductees into the armed forces; or vending stands to be operated by the blind.

(h) Except when unusual conditions prevail, each concession shall be such as will serve all Federal employees in the building. This does not preclude the establishment of duplicate facilities when justified by the size of the building.

§ 101–20.112–6 Scheduling patronage.

When requested by GSA, each occupant agency should endeavor to schedule the times at which its employees may use concession services, so that patronage will be distributed evenly over a reasonable serving period.

§ 101–20.112–7 Safety, cleanliness, and sanitation.

(a) In the interest of safety, cleanliness, and sanitation, patrons shall be encouraged to consume foods and beverages at the point of purchase. When foods or beverages are removed from the concession area for consumption, agency heads shall require that:

(1) Beverages and liquid foods be in covered containers.

(2) Empty cans be placed in receptacles provided by the concessionaires, or be placed alongside office waste receptacles.

(3) Liquids not be poured into waste receptacles.

(4) Spillage of liquids in corridors, lobbies, or work areas be avoided.

(5) Nondisposable dishes, silverware, and other utensils not be removed from concession areas without the permission of the concessionaire, and those removed with his permission be returned promptly after each use by the person granted permission.

(b) Violation of these requirements may make it necessary to withdraw the privilege of carrying foods and beverages from concession areas.

§ 101–20.112–8 Music.

(a) As in the case of other concessions, the broadcasting of music in work or concession areas shall be subject to the prior approval of GSA.

(b) Approval will be subject to the applicable provisions of § 101–20.112–4 and to the following requirements:

(1) The interested occupant agency shall accept responsibility for the satisfactory selection of music and other aspects of the service.

(2) The music shall be provided without expense to GSA, and in concession areas without expense to the concessionaire, except with his prior concurrence.

(3) Installations incident to the provision of the music shall be satisfactory to the buildings manager.

(4) The provision of the music shall not unduly interfere with the satisfactory operation of a concession.

(5) The installation shall not be used for commercial advertising.

§ 101–20.113 Staggering hours of duty in Metropolitan Washington.

(a) *Applicability.* (1) The provisions of this section apply to all proposals to establish or change the hours of duty in Metropolitan Washington, including proposals related to the establishment or relocation of a Government office.

(2) For the purpose of this § 101–20.113, Metropolitan Washington includes the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties.

(b) *Responsibility.* Except as otherwise provided, any agency considering a

schedule of hours of duty differing from, or in addition to, its schedule of hours of duty heretofore approved, shall obtain the approval of the Commissioner, Public Buildings Service, GSA, before the proposed schedule is placed in effect. The Commissioner, in approving proposals to establish or change hours of duty, will be guided by the overall policy of maintaining a system of staggered hours of duty in Metropolitan Washington.

(c) *Requirements.* (1) The requesting agency shall submit a written request to the General Services Administration (P), Washington, DC 20405, which will include the proposed hours of duty, the number of employees affected, and a detailed justification for such action.

(2) The requesting agency must also coordinate with the related employees' union(s) and/or the affected employees in determining the percentage of employees in favor of any proposed change of hours and shall submit this figure with the request.

(3) In addition, the requesting agency is required to correlate its proposal with related police traffic departments and transportation systems, including the Washington Metropolitan Area Transportation Commission to insure that the proposed hours, if adopted, would not cause additional congestion and impossible transportation demands, or otherwise disrupt normal traffic flow patterns to or from the particular area in which the agency is located.

(d) *Exceptions.* A proposed change in the schedule of hours of duty may be placed in effect by a Federal agency without approval of the Commissioner, PBS, in the following instances:

(1) When neither the current nor the proposed hours of duty begin or end within either of the periods 7–9:30 a.m. or 3:30–6 p.m.; or

(2) When the proposed change in the schedule of hours of duty affects fewer then 50 employees unless the agency plans to apply the change to additional employes, bringing the total to 50 or more within a 3-month period.

§ 101–20.114 Newly constructed buildings.

The following services and equipment are provided by GSA without cost to prospective occupants of new buildings constructed out of funds financed from the Federal Buildings Fund including buildings acquired by purchase-contract arrangements under the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356).

(a) Payment of principal, interests, and taxes under purchase-contract.

(b) The usual built-in and fixed building equipment, including courtroom equipment where applicable, and such miscellaneous items as directory and bulletin boards in public space, water coolers, wall fans, and venetian blinds.

(c) Moving and installation of existing special equipment, such as laboratory, clinical, and protection equipment.

(d) Moving of furniture, furnishings, and office equipment in use to temporary space or new buildings.

(e) Space for interim occupancy for agencies temporarily displaced to make way for construction.

(f) Special purpose requirements of prospective occupants will be financed in accordance with § 101–21.502(b).

§ 101–20.115 Property pass.

(a) Optional Form 7, Property Pass, shall be used by all agencies requiring a pass for the removal of occupant agency controlled Government property from Federal buildings. The form may be used for the removal of personally owned property when security regulations are in force in a given building.

(b) The form is to be filled in and signed by the person authorizing the removal of the property. The person authorized to remove the property is to surrender the pass to the guard when leaving the building. The disposition of the pass after collection by the guard is a matter of administrative determination to be made by the using agency.

Subpart 101–20.2—Vending Stands Operated by Blind Persons

§ 101–20.200 Scope of subpart.

(a) This subpart contains the regulations ensuring the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Act (40 Stat. 1559, as amended by 68 Stat. 663, 20 U.S.C. 107) for the operation of vending stands and machines. They are issued after consultation with the Department of Health, Education,and Welfare and approval by the Office of Management and Budget (20 F.R. 2747).

(b) The regulations in this subpart shall apply to Federal property owned, leased, or occupied by the United States over which General Services Administration has control of the maintenance, operation, and protection, except space used by the U.S. Postal Service as workrooms, swingrooms, and locker rooms. Vending machines and stands in these rooms are governed by regulations issued by the U.S. Postal Service.

§ 101–20.201 Policy.

Blind persons licensed by State licensing agencies designated by the Secretary of Health, Education, and Welfare, under the provisions of the Randolph-Sheppard Act shall be given preference in the operation of vending stands and/or machines on any General Services Administration controlled property in which vending stands and/or machines may be properly and satisfactorily operated by such persons without unduly inconveniencing the General Services Administration or adversely affecting the interests of the United States.

§ 101–20.202 Cooperation in establishing facilities.

(a) The Commissioner, Public Buildings Service, General Services Administration, and his representatives shall cooperate with the Department of Health, Education, and Welfare and designated State licensing agencies in making surveys looking toward the establishment and operation of vending stands by blind persons. In this connection, it is the policy of General Services Administration to approve vending stands in all buildings having a population sufficient to support such a stand except where the physical limitations of the building or economic factors make the establishment of a stand infeasible.

(b) Consideration shall be given to the inclusion of vending facilities during the planning, design, and construction of new buildings and the alteration of existing buildings including buildings or portions thereof to be leased by or under lease to the Government.

(c) Where it is determined that vending facilities to be operated by the blind may be installed, the State licensing agency shall be so notified and the necessary permit agreed upon and issued.

§ 101–20.203 Leased property.

If stands and/or vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the issuance of a permit.

§ 101–20.204 Application for permits.

Applications shall be made in writing on the appropriate form, submitted to the buildings manager, and approved by the Director, Buildings Management Division of the appropriate General Services Administration regional office.

§ 101–20.205 Terms of permit.

Every permit shall describe the location of the vending stand and vending machines located other than on the stand premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency. The State licensing agency shall:

(1) Prescribe such procedures as are necessary to ensure that in the selection of operators and employees for vending stands there shall be no discrimination because of race, creed, color, or national origin.

(2) Take the necessary action (i) to ensure that operators of vending stands do not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any vending stand facility, including any and all services, privileges, accommodations, and activities provided thereby and (ii) to assume compliance by such operators with Title VI of the Civil Rights Act of 1964 and the regulations of the General Services Administration issued pursuant thereto which are set forth in Subpart 101–6.2 and specifically made applicable to the provision of free space and utilities by GSA for vending stands operated by blind persons under section 1 of the Randolph-Sheppard Act (20 U.S.C. 107) by § 101–6.217(k).

(b) The permit shall be for an indefinite term.

(c) No charge shall be made to the State licensing agency for the use of Government-furnished space or for maintenance and repair of the building

structure in and adjacent to the vending stand areas, including any necessary, initial, and periodical painting and decorating; for utilities required to operate vending stands and vending machines; or, for repairing and replacing floor coverings, and cleaning windows; and, for providing other related building services in accordance with the normal level of building service programs applicable to the Federal property on which the stand is located.

(d) Cleaning, including floor scrubbing and waxing, necessary for sanitation and to maintain vending areas at stands and machines in an orderly condition at all times and other building services not provided under the normal level of building service programs applicable to the property, the installation, maintenance, repair, replacement, servicing, and removal of vending stand equipment; and, additional wiring, electrical, or plumbing connections which may not be provided for in the planning, design, and construction of new buildings and the alteration of existing buildings, shall be without cost to the General Services Administration. (See § 101–20.202(b).)

(e) Items sold at vending stands operated by the blind may consist of newspapers, periodicals, publications, prepackaged confections, tobacco products, articles dispensed automatically or in containers or in wrappings in which they are placed before receipt by the vendor, and such other articles as may be determined by the State licensing agency to be suitable for a particular location and approved by the Director, Buildings Management Division. Periodicals and publications which have been judicially determined to be patently offensive and appealing to prurient interest shall not be sold.

(f) Vending facilities shall be operated in compliance with applicable local and State health, sanitation, and building codes or ordinances and such standards as may be prescribed by the Director, Buildings Management Division.

(g) Installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Director, Buildings Management Division. Costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency. Costs of relocations initiated by the Director, Buildings Management Division shall be borne by the General Services Administration.

§ 101–20.206 Protection from competition.

(a) All income from vending machines shall be offered to the State licensing agency operating a vending stand or stands on the same property except the income from vending machines which may be assigned by contract or agreement with others. Such income shall be made available to the licensing agency only for assignment to operators of vending stands on the property (limited to income from those machines which would be in reasonable proximity to a vending stand and would otherwise be in direct competition with that stand), and, for program-wide purposes for which set-aside funds may be used, in accordance with section 3(3) of the Randolph-Sheppard Act (20 U.S.C. 107(3)), and the regulations of the Department of Health, Education, and Welfare (45 CFR 403.8), namely:

(1) Maintenance and replacement of equipment;

(2) The purchase of new equipment;

(3) Management services;

(4) Ensuring a fair minimum return to operators of vending stands.

(b) Under such conditions and circumstances as are mutually agreed upon between the Regional Administrator, General Services Administration, and the Commissioner of Vocational Rehabilitation, Department of Health, Education, and Welfare, and after consultation with the sponsoring Federal agency or agencies, employee welfare and recreational groups may share in the operation of or the income from vending machines to the extent agreed upon by these officials not to exceed 50 percent of the net proceeds. (The term "net proceeds", for the purpose of this subsection is defined as the total commissions which would normally be paid by a vending company, less any amount customarily deposited into the miscellaneous receipts of the Department of the Treasury.) In all such cases appropriate reimbursement shall be made to the General Service Administration by such employee groups for utility services based on the extent to which they share in the vending machine arrangement. (See Report to the Congress of the United States from the Comptroller General dated March 29, 1953, B–114874.)

(c) On property where a vending stand permit has been approved, agreements assigning income from vending machines to employee welfare and recreational groups, unless otherwise covered by an agreement pursuant to paragraph (b) of this section, shall:

(1) Terminate (in cases where a stand exists);

(2) Not be formed;

(3) Terminate when a vending stand starts operation on the property.

(d) On property where a vending stand permit has been approved.

(1) All arrangements pertaining to the operation of vending stands not provided by contract or by permits issued to designated State licensing agencies shall terminate within 6 months.

(2) Permission to operate vending stands shall be granted only by permits to designated State licensing agencies, or by contract with others, such as a necessary basic food service operation.

§ 101–20.207 Enforcement procedures.

(a) The authorization for the establishment of a vending stand, the regulations and standards of General Services Administration, the State licensing agency, and the Department of Health, Education, and Welfare (45 CFR 403) shall regulate the operation of vending stands and machines.

(b) Ordinarily, day-to-day matters pertaining to the operation of the vending stand shall be resolved by the buildings manager with the blind operator of the vending stand and, when appropriate, with the State licensing agency.

(c) Violations of the regulations and standards and unresolved matters shall be reported in writing by the Director, Buildings Management Division, General Services Administration to the State licensing agency.

(d) Any unresolved matter shall be referred to the appropriate Regional Administrator, General Services Administration, who will consult with the Department of Health, Education, and Welfare, regional office, and the designated State licensing agency.

§ 101–20.208 Review.

(a) If the Regional Administrator and the State licensing agency fail to reach agreement concerning the granting of a permit for a vending stand, the revocation or modification of a permit, the suitability of the stand location, the assignment of vending machine proceeds, the methods of operation of the stand, or other terms of the permit (including articles which may be sold), the State licensing agency shall be allowed the right to appeal such disagreements to the Administrator of General Services, Washington, DC 20405.

(b) A full report shall be obtained from the Regional Administrator from whose decision the appeal is being taken.

(c) Designated State licensing agencies shall have the right to present their arguments orally and in writing at each step of review. The Department of Health, Education, and Welfare shall be consulted for general advice on program activities and objectives. A final decision of the Administrator of General Services shall be rendered within 90 days of the filing of the appeal.

(d) Notification of the decision on appeal and the action taken thereon shall be reported to the State licensing agency and to the Department of Health, Education, and Welfare.

§ 101–20.209 Report.

At the end of each fiscal year, the General Services Administration shall report to the Department of Health, Education, and Welfare the total number of applications for vending stand locations received from State licensing agencies, the number accepted, the number denied, and the number still pending.

Subpart 101–20.3—Conduct on Federal Property

§ 101–20.300 Applicability.

These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

§ 101–20.301 Recording presence.

Except as otherwise ordered, property shall be closed to the public after normal working hours. During normal working hours property shall be closed to the public only in emergency situations when reasonably necessary to ensure the orderly conduct of Government business. The decision to close a property shall be made by the designated official under the Facilities Self-Protection Plan. Admission to property during periods when such property is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested to do so by the guard, watchman, or other authorized individual.

§ 101–20.302 Preservation of property.

The improper disposal of rubbish on property; the spitting on property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from a building; the climbing upon the roof or any part of the building; or the willful destruction, damage, or removal of property or any part thereof, is prohibited.

§ 101–20.303 Conformity with signs and directions.

Persons in and on property shall at all times comply with official signs of a prohibitory or directory nature and with the directions of law enforcement and other authorized officials.

§ 101–20.304 Disturbances.

Conduct on property which creates loud or unusual noise; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner is prohibited. The designated official under the Facilities Self-Protection Plan shall be responsible for enforcing this rule.

§ 101–20.305 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property, is prohibited.

§ 101–20.306 Alcoholic beverages and narcotics.

Operating a motor vehicle on property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marihuana, barbiturates, or amphetamines is prohibited. Entering property under the influence of any narcotic drug, hallucinogen, marihuana, barbiturate, amphetamine, or alcoholic beverage (unless prescribed by a physician) is prohibited. The use on property of any narcotic drug, hallucinogen, marihuana, barbiturate, or amphetamine (unless prescribed by a physician) is prohibited. The use of alcoholic beverages on property is prohibited except on occasions and on property upon which the Administrator of General Services has for appropriate official uses granted an exemption permit in writing.

§ 101–20.307 Soliciting, vending, and debt collection.

Soliciting alms and contributions, commercial soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts in or on GSA-controlled property is prohibited. This rule does not apply to (1) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service" issued by the Civil Service Commission under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (2) concessions or personal notices posted by employees on authorized bulletin boards; and (3) solicitation of labor organization membership, or dues authorized by occupant agencies under Executive Order 11491 of October 29, 1969, as amended.

§ 101–20.308 Distribution of handbills.

The distributing of materials such as pamphlets, handbills, and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere on property is prohibited, except as authorized in § 101–20.307 or when such distributions or displays are conducted as part of authorized Government activities.

§ 101–20.309 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken in space occupied by an agency only with the consent of the occupying agency concerned. Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

§ 101–20.310 Dogs and other animals.

Dogs and other animals, except seeing-eye dogs, shall not be brought upon property for other than official purposes.

§ 101–20.311 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited;

(c) Except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, with the approval of the appropriate Regional Administrator, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 101–20.312 Weapons and explosives.

No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives either openly or concealed except for official purposes.

§ 101–20.313 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the property.

§ 101–20.314 Penalties and other laws.

Whoever shall be found guilty of violating any rule or regulation in this Subpart 101–20.3 while on any property under the charge and control of GSA is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.

Subpart 101–20.4—[Reserved]

Subpart 101–20.5—Physical Protection

§ 10–20.500 Scope of subpart.

This subpart prescribes policies and methods for the physical protection of Government-owned and -leased buildings and grounds under GSA assignment; requires active participation of occupant agencies in accomplishing certain aspects of physical protection; requires the reporting of thefts and other unlawful incidents to appropriate GSA officials; and requires the establishment of self-protection plans and organizations to meet all emergencies except enemy attack.

§ 101–20.501 Basic policy.

For buildings and grounds for which GSA has space assignment responsibility, GSA will furnish as normal protection not less than the degree of protection provided by commercial building operators of similar space for normal risk occupants, as determined by GSA. This protection may include control of building entry and inspection of packages when GSA determines such control is warranted for general Government occupancy and not necessitated by special activities of specific agencies. Special protection required due to the nature of business conducted within the space or unusual public reaction to an agency's programs and missions, whether or not

of a continuing nature, will be determined jointly by GSA and the occupant agency or agencies and will be provided on a reimbursable basis in accordance with Subpart 101–21.4.

§ 101–20.502 Protection criteria.

Determination of the level of normal protective service will be made by GSA on a case-by-case basis and will consider the facility's location; size and configuration; history of criminal or disruptive incidents in the surrounding neighborhood not primarily directed toward the occupant agency's mission; extent of exterior lighting; presence of physical barriers; and such other factors as may be deemed pertinent.

§ 101–20.503 GSA Responsibilities.

§ 101–20.503–1 Physical protection.

GSA provides normal and special protection through perimeter patrol, interior patrol or fixed posts manned by Government or contract uniformed personnel; by security systems and devices; by locking building entrances and gates other than during normal hours of occupancy; through the cooperation of local law enforcement agencies; or by any combination thereof depending upon the facility and the degree of risk involved.

§ 101–20.503–2 Investigations.

GSA coordinates and cooperates with other Federal and local law enforcement agencies in investigating thefts of property and violations of Federal statutes covering other criminal activities committed in or on buildings and grounds under GSA assignment; receives, records, investigates, and evaluates incident reports, refers investigative findings to the U.S. Attorney or appropriate law enforcement agency; and maintains liaison with Federal and local law enforcement agencies for assembling and presenting evidence relating to such thefts and other criminal activities.

§ 101–20.504 Responsibilities of occupant agencies.

§ 101–20.504–1 General.

Occupants of GSA assigned space shall cooperate to the fullest extent possible with all pertinent facility regulations and procedures, shall make recommendations for improving protection, shall ensure that unlawful acts against real and personal property are promptly reported to GSA at the local or regional level, and shall provide an educational program to all employees on protection and related matters.

§ 101–20.504–2 Facility self-protection.

Occupant agencies are responsible for immediate positive and orderly action to safeguard life and property in the event of all emergencies, except enemy attack, by developing a plan and establishing, staffing, and training an organization in accordance with paragraphs (a) through (d) of this section.

(a) A Facility Self-Protection Plan will be developed by or under the auspices of the highest ranking official of the agency having the largest number of employees in the building or facility, or by an alternative high ranking official designated in advance by agreement of occupant agency officials. All occupant agencies will give full cooperation to the designated official in developing the Plan.

(b) A Facility Self-Protection Organization of employees of the agency or agencies within the building will be designated and trained to carry out all functions of the Plan.

(c) The GSA representative (buildings manager) shall assist appropriate officials of the occupant agency(ies) and cooperate with the local authorities in achieving the objectives of the Plan. In this connection, the buildings manager shall provide information and guidance, including copies of appropriate publications dealing with emergencies in Federal buildings. The buildings manager, to the extent possible and in accordance with established criteria, shall provide the Organization with members who are technically qualified in the operation of utility systems and the installation and maintenance of protective equipment such as warning devices and firefighting apparatus, and shall promote training for buildings employees, and others as required. In leased space, GSA will coordinate activities with the primary occupant agency and the lessor to ensure that a comprehensive plan is available for the occupants of the GSA-leased space.

(d) The decision to activate the Organization shall be based upon the best intelligence available, tensions in the locality, previous experience, sensitivity of target agency(ies), and the advice of local, State, and Federal law enforcement agencies. When there is an immediate danger to persons, such as fire, explosion, or the discovery of an actual explosive device (not a bomb threat), the premises shall be evacuated at once, without consultation, by sounding the fire alarm system or through other means in accordance with the Plan. During normal duty hours when there is advance information of an emergency, the designated official shall initiate action, according to the Plan, including evacuation. After normal duty hours, the senior Federal official present as a representative of the designated official shall initiate action to cope with emergencies, including evacuation, in accordance with the Plan. Immediately thereafter, he shall advise the designated official of the action taken and apprise him of current conditions. Action initiated to cope with civil defense emergencies shall be taken in accordance with established civil defense instructions and warning signals.

Subpart 101–20.6—Sidewalk Installation, Repair, and Replacement

§ 101–20.600 Scope of subpart.

This subpart contains the regulations governing the installation, repair, and replacement of sidewalks around buildings, installations, properties, or grounds under the control of executive agencies and owned by the United States within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, by reimbursement to a State or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States. They are issued with the approval of the Director of the Office of Management and Budget.

§ 101–20.601 Responsibilities.

Upon prior consent of the affected executive agency, the State in which the property lies may perform or arrange for the installation, repair, and replacement of sidewalks, and obtain reimbursement therefor from the affected executive agency, or, if mutually agreed upon, the executive agency affected may contract or otherwise arrange for and pay directly for such installation, repair, and replacement.

§ 101–20.602 Standards.

(a) Sidewalks shall be installed, repaired, or replaced with due consideration to the standards and specifications prescribed by the State. However, where the executive agency determines that it is necessary, in order to achieve or retain architectural harmony with the surroundings, the executive agency may prescribe other standards and specifications.

(b) In all cases, sidewalk installations, repairs, and replacements shall conform to the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, Number A117.1–R 1971.

§ 101–20.603 Fund availability.

Funds appropriated to executive agencies for installation, repair, and maintenance, generally, shall be available for reimbursement for the actual or estimated cost of the sidewalk installation, repair, or replacement to a State or to make other arrangements to effect payment for the work involved.

§ 101–20.604 Tort liability.

In accordance with the provisions of Public Law 89–344, no agreement with a State for the installation, repair, or replacement of a sidewalk shall increase or enlarge the tort liability of the United States for injuries to persons or damage to property.

Subpart 101–20.7—Auditoriums, Conference Rooms, Other Meeting Places, and Posting Notices or Information Bulletins

§ 101–20.700 Scope of subpart.

This subpart prescribes guidelines and rules to be followed by agencies in permitting the use, as meeting places, of auditoriums, conference rooms, and any other space within the periphery of the property lines of Government-owned or -leased buildings or portions thereof which are, pursuant to statute, reorganization plan, or Executive order, controlled for space assignment and reassignment purposes by GSA. Agencies occupying buildings which are not controlled by GSA for space assignment and

reassignment purposes may elect to follow the guidelines and rules prescribed by this subpart.

§ 101–20.701 Authorized and prohibited uses.

(a) For the purposes of this subpart, a "recognized" group or organization is a labor organization recognized under the President's Executive orders governing employee or labor management relations, or an organization that has been in existence at least 3 months which has been specifically recognized in writing by the occupant agency as an organization whose purpose is to promote the social, health, welfare, or employment interests of the agency's employees.

(b) Except as provided in paragraph (c) of this section, agencies having exclusive use of and/or exercising authority over meeting places may permit their use for:

(1) Meetings to carry out the assigned functions of Federal agencies.

(2) Meetings of recognized Federal employee groups and organizations, including retired Federal employee groups.

(3) Meetings conducted by or actively participated in by employees of the agency and approved by the head of the agency.

(4) Presentation to the public of lectures, concerts, or similar performances by a Federal agency or at which its employees participate in an official capacity, or for the presentation of such a performance by a recognized employee group.

(5) Meetings or performances not directly related to the functions of Federal agencies or activities of employee groups when authorized by the head of the Federal agency occupying the building and controlling the use of the meeting place, and when the agency head determines that such meetings or performances would not adversely affect the interests of the Government. (See § 101–20.705 concerning possible reimbursements.)

(c) Meeting places may not be used for:

(1) Meetings or performances sponsored or conducted by any organization, individual, or activity practicing or advocating discrimination based on race, creed, color, sex, or national origin.

(2) Meetings or activities having a partisan political, sectarian, or similar nature or purpose.

(3) Meetings or activities for the purpose of advocating or influencing action on legislation.

(4) Meetings or activities sponsored or conducted by or for commercial enterprises for profit-making purposes through the direct sale of articles, charging of admission fees or the making of an indirect assessment for admission, or the taking of a collection.

(d) All requests for meeting places shall be in writing addressed to the head of the occupying agency. Such requests shall state the date, time, purpose of meeting, the name and description of the applicant organization, the estimated number of persons expected to attend, the duration of the meeting, and the meeting place requested.

(e) Excluding meetings to carry out the assigned functions of Federal agencies, meeting places will not be available during official working hours of the occupant agencies except for 1 hour during the normal luncheon period.

§ 101–20.702 Scheduling.

Generally, no meetings shall extend beyond midnight or be scheduled for Saturdays, Sundays, holidays, or other days during which the building is ordinarily closed.

§ 101–20.703 Posting of notices and information bulletins.

The following types of notices or information bulletins only may be posted on bulletin boards or placed otherwise about the premises:

(a) Official business notices of the occupant agency.

(b) Request for funds for welfare, health, and other purposes, approved by the head of the occupant agency.

(c) Notices to Federal employees by concessionaires and agency employee welfare organizations.

(d) Personal notices of agency employees, such as the sale of an employee's home, requests for car pool participation, etc.

§ 101–20.704 Conduct.

All persons attending meetings or performances will be subject to the rules and regulations governing public building and grounds in Subpart 101–20.3.

§ 101–20.705 Provision of services and equipment.

Special building services, such as projectionists to operate installed equipment, guards, elevator operators, or additional utilities when required to supplement normal building services or outside regular building hours, will be provided to the extent available, if requested by the agency, by the GSA buildings manager on a reimbursable basis. The furnishing of program requirements, such as music racks, ushers, cloakroom attendants, tickets, etc., will be the responsibility of the applying or sponsoring Federal agency or activity. See also Subpart 101–20.1.

§ 101–20.706 Supplementary directives.

After appropriate coordination with the affected agency or agencies, GSA Regional Administrators may supplement these regulations by issuing procedures, instructions, and any necessary forms, consistent with this subpart, which apply to specific areas used for meeting places. Supplementary procedures, instructions, and forms should cover such items as: How to apply for permission to use the facilities; how much detail is required to describe the proposed use or program to be presented; who is authorized to request, and who grants the permission; priorities of use; reimbursement requirements; records of use; and any other conditions which may be applicable to a given location.

§ 101–20.707 Agency implementation.

Agencies having exclusive use of and/or exercising authority over auditoriums, conference rooms, and other meeting places within the periphery of the property lines of Government-owned or -leased buildings which are controlled for space assignment or reassignment purposes by GSA may also supplement these regulations by using procedures, instructions, and any necessary forms consistent with this subpart which apply to such areas.

PART 101–21—FEDERAL BUILDINGS FUND

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Subparts 101–21.7—101–21.49 (Reserved)

AUTHORITY: 86 Stat. 216; 63 Stat. 377; 73 Stat. 479 (40 U.S.C. 490 note).

§ 101–21.000 Scope of part.

This part prescribes policies and procedures to be followed in implementing that portion of the Public Buildings

Amendments of 1972 (86 Stat. 216) which deals with charging anyone furnished space or services for space for which GSA or another executive agency has assignment responsibility.

§ 101–21.001 Authority.

This part implements the applicable provisions of the Public Buildings Amendments of 1972 (86 Stat. 216), the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), the Public Buildings Act of 1959 (73 Stat. 479), and the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR)

§ 101–21.002 Basic policy.

(a) GSA will charge anyone furnished space and services (unless exempted by the Administrator of General Services) a standard level user charge which will approximate commercial charges for similar space and services. The services to be included in this charge will be those normally furnished by the private sector.

(b) GSA will furnish services additional to those included in the standard level user charge on a reimbursable basis.

(c) In those buildings where GSA is responsible for alterations only, GSA will furnish such alterations on a reimbursable basis.

§ 101–21.003 Definition of terms.

The following definitions are established for terms used in this Subchapter D.

§ 101–21.003–1 Federal Buildings Fund.

"Federal Buildings Fund" means the fund into which are deposited the user charges and other revenues and collections cited in applicable provisions of the Public Buildings Amendments of 1972 and from which monies shall be available for expenditures for real property management and related activities in such amounts as are specified in annual appropriation acts without regard to fiscal year limitations.

§ 101–21.003–2 Standard level user charge.

"Standard level user charge" means the rate charged occupants that are assigned space in Government-owned or -leased real property for which GSA has assignment responsibility. The user charge approximates commercial charges for comparable space and services.

§ 101–21.003–3 Standard levels of service.

"Standard levels of service" means those services provided as part of the standard level user charge, depending upon the type of space occupied, and as defined in Subpart 101–21.3.

§ 101–21.003–4 Special services.

"Special services" means those services that are not included in the standard level of services but are provided by GSA on a reimbursable basis upon request.

§ 101–21.003–5 Space and services.

"Space and services" means the combination of space occupied and the related services provided for that space.

Subpart 101–21.1—General

§ 101–21.101 Background.

The principal goal of the Public Buildings Amendments of 1972 is to promote greater efficiency and effectiveness in the use and management of Government-owned and -leased space. To this end, the assessment of charges that approximate commercial rates for comparable space and services will stimulate economic space utilization, induce performance budgeting through the more realistic reporting of program costs, provide the basis for a responsible landlord-tenant relationship between GSA and other agencies, and establish a sound financial structure for the acquisition, construction, repair, alteration, maintenance, protection, and operation of real property.

§ 101–21.102 Applicability.

Rules and regulations in this Part 101–21 apply to all agencies assigned space by GSA unless the agency is specifically exempted by law or by the Administrator of General Services.

Subpart 101–21.2—Standard Level User Charge

§ 101–21.200 General.

This subpart prescribes the policies and procedures governing the calculation and levying of a standard level user charge to be assessed for space for which GSA has assignment responsibility as payment for space and services provided by GSA.

§ 101–21.201 Determination of standard level user charge.

The standard level user charge is established by GSA and approved by the Office of Management and Budget. The charge varies from building to building and reflects approximately equivalent commercial rates for similar space and services. Facilities having more than one type of space will be charged separate rates for each type.

§ 101–21.202 Joint-use space.

In those buildings where GSA has assignment responsibility and there is joint-use space such as cafeterias, auditoriums, conference rooms, credit unions, and snack bars, each agency provided access to or use of the facilities occupying the joint-use space will be charged a pro rata share of the space costs based on the percentage of the assignable building space occupied.

§ 101–21.203 Exceptions.

In those buildings where GSA is responsible only for alterations, the charges for such alterations will approximate the cost incurred.

§ 101–21.204 Exemptions.

The Administrator of General Services may exempt any occupant from the standard level user charge if he decides that application of the charge would be infeasible or impractical. Requests for exemption will be made in writing to the Administrator.

§ 101–21.205 Space and services provided by other executive agencies.

Any executive agency other than GSA that provides to anyone space and services is authorized to charge the occupant for the space and services at rates approved by the Administrator of General Services.

§ 101–21.206 Revision of standard level user charge.

GSA will review the standard level user charge annually to insure that it approximates commercial rates. Rates will be revised according to the method described in § 101–21.201.

§ 101–21.207 Annual projections.

Annual projections of space assignments and related services are prescribed to provide occupant agencies with accurate data necessary for budget submission. Procedures for annual projections are described in § 101–21.601.

Subpart 101–21.3—Standard Levels of Service

§ 101–21.300 General.

The levels of service included in the standard level user charge are approximately the same as those currently furnished in commercial practice. They are based on the effort required to service a 5-day week, one-shift operation providing adequate startup services before the occupant agency starts work and shutdown services after the occupant agency ceases work, even though the working hours of the occupant agency may be staggered. Space, elevator systems, lights, and small office and business machines may be used 24 hours a day, 7 days a week without additional payment to GSA where access by the Government is available without limitation.

§ 101–21.301 Standard services for cleaning, mechanical operation, and maintenance.

Standard services for cleaning, mechanical operation, and maintenance shall be accomplished in accordance with established GSA standards as cited in Subpart 101–20.1.

§ 101–21.302 Other standard services.

GSA may provide additional services at appropriate levels and times that the Administrator of General Services determines to be necessary for efficient operations and proper servicing of space under the assignment responsibility of GSA.

§ 101–21.303 Space exempted from the standard levels of service.

The Administrator of General Services may exempt from the standard levels of service space for which, because of its limited square footage or functional use, application of the standard levels of service would be infeasible or impractical.

Subpart 101–21.4—Reimbursable Services

§ 101–21.401 Special services.

Special services not included in the standard levels of service are provided by GSA on a reimbursable basis. Funds for reimbursable services should be included in occupant agency budget submissions.

§ 101–21.402 Services performed by other agencies.

Agencies occupying space under the assignment responsibility of GSA that perform or contract for services normally provided for in the standard level user charge levied by GSA will be reimbursed by GSA for the cost of services performed. The amount of reimbursement will be limited to the cost of the services to GSA if GSA had provided them. Approval to perform or contract for such services should be obtained from the GSA regional offices.

Subpart 101–21.5—Funding Projects

§ 101–21.501 GSA funding responsibility.

Projects for the construction or alteration of public buildings for which GSA is responsible will be financed from the Federal Buildings Fund.

§ 101–21.502 Funding responsibilities of other agencies.

(a) A department or agency may request an appropriation to cover the cost of the construction or acquisition of a single occupancy facility when the Administrator of General Services has obtained the approval thereof and when the Administrator concurs with the request and it has been approved by the Office of Management and Budget. The construction or acquisition of the facility shall be performed by GSA.

(b) GSA shall upon the request of a department or agency construct, alter, or acquire buildings other than public buildings which are normally financed by other agencies upon condition that funds to cover the cost of the work shall be transferred or reimbursement shall be made to GSA.

(c) Each Federal agency shall be responsible for the financing of special use facilities and equipment not contemplated in the approved project.

Subpart 101–21.6—Billings, Payments, and Related Budgeting Information for Space and Services Furnished by the General Services Administration

§ 101–21.600 Applicability.

These rules and regulations apply to GSA and all agencies furnished space and related services by GSA.

§ 101–21.601 Budgeting information for standard level user charges.

(a) GSA provides to agencies summary level and detailed documentation in support of budgetary information it submits for the space and related services it furnishes. The documentation identifies organizations and organizational elements by an agency and bureau code numbering system.

(b) Agencies reassigned space as a result of reassignment directed by GSA at space and related service charges higher than that budgeted for are billed for charges applicable to the space assigned immediately preceding the reassignment until the first fiscal year that funds for the higher cost space can be budgeted for. Agencies reassigned space as a result of reasignment directed by GSA at space and related service charges lower than that occupied immediately preceding the reassignment are billed for charges applicable to the newly assigned space.

(c) Agencies reassigned space as a result of reassignment requested by the agency at space and related service charges either higher or lower than that bugeted for are billed for charges applicable to the newly assigned space.

§ 101–21.602 Billing procedures for standard level user charges.

(a) Bills for standard level user charges are normally rendered to the Central Office headquarters of each agency occupying space under the assignment responsibility of GSA.

(b) GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits (illustrated at § 101–2.4902–789), is used for billing purposes.

(c) Bills are rendered quarterly at the beginning of the quarter. Appropriate adjustments are made if the standard level user charges (computed at bureau level) for assigned space reflect an increase or decrease of at least $1,000 from the charges shown on the quarterly billing.

§ 101–21.603 Budgeting information for reimbursable charges.

Estimates of recurring reimbursable services and charges are provided each year concurrently with the standard level user charge listings for the applicable budget year.

§ 101–21.604 Billing procedures for reimbursable charges.

(a) Charges for reimbursable services are billed by GSA direct to the agency paying office cited on the reimbursable work authorization request.

(b) GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits (illustrated at § 101–2.4902–789), is used for billing purposes.

(c) Rates charged for reimbursable services shall be fixed to recover the approximate cost incurred by GSA in providing such services.

(d) The following basic types of work are performed by GSA on a cost reimbursable basis:

(1) Recurring services above the standard levels, such as cleaning in excess of standard level;

(2) Nonrecurring services performed above standard levels of service, such as out-of-cycle painting;

(3) Repairs and alterations in buildings not operated by GSA;

(4) Repairs and alterations performed by GSA in GSA-operated buildings, which are requested and financed by other agencies; and

(5) Services financed by other agencies but performed by GSA personnel on projects, construction, or alteration.

(e) Work authorizations which must be completed before reimbursable work is begun must describe the work ordered and include a fixed price representing the cost for the work described. Work authorizations must be signed by a responsible official of the agency requesting the work, and must contain a citation of the appropriation or fund to be charged and a statement that the funds are available for immediate obligations.

(f) Bills for recurring reimbursable services are rendered in advance. A 12-month authorization, with the right to cancel upon 30 days' notice by either party must be completed and forwarded to GSA prior to the beginning of the fiscal year. Authorizations initiated during the fiscal year must reflect the charge for the remainder of the fiscal year.

(g) Bills for non-recurring services, for repairs and alterations, and for transfer projects financed by other agencies are rendered in advance at the time work authorizations are signed.

§ 101–21.605 Payment procedures.

All billings for space and services shall be paid promptly by check or transfer document upon receipt of the billing document.

Subparts 101–21.7—101–21.49—[Reserved]

PARTS 101–22—101–24 [RESERVED]

AUTHORITY: The provisions of this Subchapter D issued under 82 Stat. 718 (42 U.S.C. 4151–4156); 63 Stat. 390 (40 U.S.C. 486 (c)); 62 Stat. 281 (40 U.S.C. 318); 49 Stat. 1559, 68 Stat. 663 (20 U.S.C. 107); 30 Stat. 614 (40 U.S.C. 285; 40 U.S.C. 490 (e) and (h)); E.O. 6166, June 10, 1933; Reorganization Plan No. 18, 1950 (40 U.S.C. 490 Note); and E.O. 11035, 3 CFR, 1959–1963 Comp. p. 618.

[FR Doc.74–3281 Filed 2–7–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1013]

MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement 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 Southeastern Florida 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, not later than February 13, 1974. 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)).

§ 1013.73 [Amended]

The provisions proposed to be suspended are as follows:

In § 1013.73(a)(1) and (2), the words "but not to exceed $6."

STATEMENT OF CONSIDERATION

The proposed suspension would remove the $6 per hundredweight limit on partial payments for milk to producers and cooperative associations. Such payments are made by handlers on the 20th day of the month for milk delivered during the first 15 days of the month and on the 5th day of the following month for milk delivered during the last half of the month. Final settlement is made on the 15th day of the following month.

The suspension was requested by Independent Dairy Farmers' Association, Inc. This organization states that the $6 limit is no longer a reasonable approximation of the value of milk since it is substantially less than the Class II price at the present time. (The Class II price in December was $8.09 per hundredweight.)

The $6 limit was put into the order in 1961 to insure against the possibility of overpayments to producers. In its absence, partial payments would be no less than the uniform price for the preceding month, less 10 percent. On the basis of current market prices and utilizations, the uniform price in any month could not reasonably be 10 percent below the uniform price of the preceding month. Suspension of the $6 limitation will implement prompt advance payments more nearly reflecting the use value of producer milk without placing handlers in jeopardy of overpayment.

Signed at Washington, D.C., on February 4, 1974.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74–3235 Filed 2–7–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[S–74–3]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Agricultural Equipment

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, it is proposed to promulgate a new occupational safety and health standard to provide protection against motion hazards associated with farm field equipment, farmstead equipment, and cotton gins. This standard would not apply to farm shop equipment or hand or portable power tools, which will be the subject of future consideration. Hazards, other than motion hazards, associated with agricultural equipment will also be the subject of further consideration. The standard would appear as Subpart D of a new 29 CFR Part 1928 which was recently proposed (see 39 FR 4536; February 4, 1974).

Machinery accidents have been a major cause of employee injury and death on the farm. As a result of a farm accident survey of ten states, the National Safety Council found that 20 percent of all injuries reported involved farm machinery. To study this problem, a subcommittee of the Standards Advisory Committee on Agriculture was convened in Iowa City, Iowa, on December 19, 1972. The subcommittee subsequently met in Denver, Colorado, on March 14 and 15, 1973; in Saint Louis, Missouri, on April 13, 1973, and in Washington, D.C., on June 7–8, and August 20–21, 1973. The proposed standard presented below is based substantially on the recommendations of the Standards Advisory Committee on Agriculture.

The basic requirements of the proposed standard are summarized as follows:

(1) Power take-off drives on all tractors and equipment must be guarded no later than April 1, 1975.

(2) All other power transmission components must be guarded on all equipment manufactured on or after January 1, 1975, and on all equipment, regardless of the date the equipment is manufactured, by January 1, 1976.

(3) Operators must be instructed in safe operation and servicing of all equipment with which they are involved.

(4) Functional components must be guarded to a degree consistent with their intended function. Additional requirements for some hazardous functional components are specified.

(5) Electrical equipment must be designed so that it cannot be started from a remote location while another person is servicing or adjusting it.

(6) Guards must be kept in place while the equipment is in motion.

(7) All cotton gins must have power transmission and functional components guarded by April 1, 1975.

(8) If components are located so that they are not accessible during operation or servicing, they need not be guarded. If components cannot be enclosed, they may be guarded by standard railings.

Written comments concerning the proposal may be mailed to the Office of Standards, Room 203, 1726 M Street, N.W., U.S. Department of Labor, Washington, D.C. 20210, before April 9, 1974. The comments will be available for public inspection and copying at the Office of Standards.

Pursuant to 29 CFR 1911.11(b) and (c), interested persons may, in addition to filing written comments as provided above, file objections to the proposal, requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) Objections must be postmarked on or before April 9, 1974;

(3) The objections must specify with particularity the provision of the proposed rules to which the objections are taken, and must state the grounds therefore;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

If requested, it is anticipated that regional hearings will be held. The times and places of such hearings will be announced in the FEDERAL REGISTER at a later date.

The new standard, 29 CFR 1928.57, is proposed to read as follows:

Subpart D—Safety for Agricultural Equipment

§ 1928.57 Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins.

(a) *General*—(1) *Purpose.* This section provides for protection against motion hazards associated with farm field equipment, farmstead equipment, and cotton gins used in any agricultural operation.

(2) *Scope.* Paragraph (a) of this section contains general rules which apply to all covered equipment. In addition, paragraph (b) of this section applies to farm field equipment, paragraph (c) of this section applies to farmstead equipment, and paragraph (d) of this section applies to cotton gins.

(3) *Effective date.* This standard takes effect on (30 days after promulgation of the final rule) with the following exceptions:

(i) All power take off drives shall be guarded in accordance with paragraphs (b)(1) and (c)(1) of this section no later than April 1, 1975. Power take-off drives are those shafts and knuckles between the tractor and first gear set, pulley, sprocket, or other components on towed or integral equipment.

(ii) All electrical powered equipment shall comply with paragraph (c)(5) of this section by April 1, 1975.

(iii) All cotton gins shall comply with the provisions of paragraph (d) of this section no later than April 1, 1975.

(iv) All other equipment manufactured on or after January 1, 1975 shall comply with the provisions of this standard. Equipment manufactured prior to January 1, 1975 shall be brought into compliance with this section before January 1, 1976.

(4) *Definitions.* (i) Farm field equipment consists of tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

(ii) Farmstead equipment consists of agricultural equipment normally used in a stationary manner. This applies, but is not limited to, materials handling equipment and accessories for such equipment whether or not it is an integral part of a building.

(iii) Cotton gins are systems of machines which condition seed cotton, separate lint from seed, convey materials, and package lint cotton.

(5) *Operating instructions.* The employer shall instruct the equipment operator in the safe operation and servicing of all equipment with which he will be involved, and particularly to:

(i) Keep all guards in place when the machine is in operation;

(ii) Permit no riders other than persons required for instruction or assistance in machine operation;

(iii) Wait for all machine movement to stop before servicing or adjusting the machine if a motion hazard is present; and

(iv) Make certain everyone is clear of machinery before starting the engine, engaging power, and operating the machine.

(6) *Strength and design of guards.* (i) Where guards are required in this section, they shall be designated to prevent inadvertent placing of any part of the body in or over edges of the guard where it may contact a moving part.

(ii) Unless otherwise specified, the strength of the guard and its supports shall be such that a 250 pound individual leaning on, or falling against the guard, will not sustain an injury from those moving parts being guarded. Table E–1 lists some kinds of materials meeting this requirement.

(iii) Guards shall be free from burrs or sharp edges or corners, and shall be securely fastened to the equipment or building.

(7) *Guarding by location.* A component may be considered guarded by location when, because of its location it does not present a hazard during operation or maintenance. If a hazard exists during maintenance, the equipment must be shut down and all power locked out before maintenance is performed, or must be guarded by shields which would otherwise be required. A component seven feet or more above a working surface is considered guarded by location.

(8) *Guarding by standard railings.* (i) Guard rails or fences may be used where guarding by other methods cannot be reasonably achieved, or where specifically permitted in this section. Where used, guard rail height shall be approximately 42 inches above the floor, platform or other working surface, with a midrail between the top rail and the working surface. Panels made of materials conforming to Table E–1 may be substituted for midrails.

(ii) Guard rails shall be strong enough to withstand at least 200 pounds top rail pressure. Examples of such construction include, but not limited to, rails of 1½-inch outside pipe affixed to posts of like material placed on 8 foot centers; or rails of 2-inch by 2-inch by 3/2-inch angle iron affixed to posts of like materials placed on 8 foot centers.

(b) *Farm field equipment*—(1) *Power take-off guarding.* (i) All tractors shall be equipped with a master shield on the rear power take-off. The master shield shall have sufficient strength to prevent permanent deformation when a 250 lb. operator mounts or dismounts the tractor utilizing the shield as a step.

(ii) Power take-off shafts, including mid or side mounted shafts, shall be covered at all times, either by a master shield or other protective means.

(iii) Power take-off driven equipment shall be guarded to prevent personal contact with positively driven rotating members of the power line. Where power take-off driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection for that portion of the tractor power shaft which protrudes from the tractor.

(iv) Signs shall be placed at prominent locations on tractors and power driven equipment specifying the normal operating speed of the power take-off shaft and specifying that power line safety shields are to be kept in place.

(2) *Other power transmission components.* (i) All power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded. Guards shall conform to the strength and design requirements of paragraph (a)(6) of this section.

(ii) Revolving shafts shall be guarded unless covered by other parts of the equipment. Exposed shaft ends which protrude farther from the bearing than one half the outside diameter of the shaft and its locking means shall be guarded.

(iii) Projections such as exposed bolts, keys, or set screws shall be guarded unless covered by other portions of equipment.

(iv) Ground driven components shall be guarded in accordance with paragraphs (b)(2)(i) through (b)(2)(iii) of this section if operating personnel are exposed to them while the drives are in motion. Ground driven components are those whose motion is caused by a wheel traveling over the ground.

(3) *Functional Components.* Functional components, such as snapping or husking rolls, straw spreaders and choppers, cutterbars, flail rotors, rotary beaters, mixing augers, feed rolls, conveying augers, rotary tillers, and similar units, which must be exposed for proper function shall be shielded to a degree consistent with the intended function of the component.

(4) *Access to Moving Parts.* (i) Guards and access doors shall be in place when the machine is in operation.

(ii) When servicing, adjusting, cleaning, or unclogging requires the removal of a guard or access door, the operation shall be performed with the engine stopped or according to specific manufacturer's instructions for performing the operation safely with the equipment running.

(iii) An audible warning shall be provided in the immediate area of any component which continues to rotate after the power is disengaged, if removing a guard or access door will expose the operator to a hazard.

(c) *Farmstead equipment*—(1) *Power take-off guarding.* Power take-off driven equipment shall be guarded to prevent personal contact with positively driven rotating members of the power line. Where power take-off driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection for that portion of the tractor power shaft which protrudes from the tractor.

(2) *Other power transmission components.* (i) All power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded. Guards shall conform to strength and design requirements of paragraph (a)(6) of this section.

(ii) Revolving shafts shall be guarded unless covered by other parts of the equipment with the exception of smooth shafts (without any projecting bolts or setscrews) of feed handling equipment used on the top surface of materials within bulk storage structures if revolving at less than 10 rpm.

(3) *Functional components.* (i) Sweep arm material gathering mechanisms used on the top surface of materials within bulk material storage structures shall be provided with a guard whose lower or leading edge is located no more than 12 inches above the material surface and no less than 6 inches in front of the leading edge of the rotating member of the gathering mechanism. The guard shall be parallel to, and extend the full length of, the material gathering mechanism.

(ii) Exposed auger flighting shall be guarded with either grating type guards or solid baffle style covers as follows:

(A) The largest dimension or openings in grating type guards through which materials are required to flow shall be 4¾ inches. The area of each opening shall be no larger than 10 square inches. The opening shall be located no closer to the rotating flighting than 2½ inches.

(B) Slotted openings in solid baffle style covers shall be no wider than 1½ inches, or closer than 3½ inches to the exposed flighting.

(4) *Access to moving parts.* (i) Guards, shields, and access doors shall be in place when the machine is in operation.

(ii) When servicing, adjusting, or unclogging requires the removal of a guard or access door, the operation shall be performed with the power source disconnected and the machine turned off or according to specific manufacturer's instructions for performing the operation safely with the equipment running.

(iii) An audible warning shall be provided in the immediate area of any component which continues to rotate after the power is disengaged if removing a shield, guard, or access door will expose the operator to a hazard.

(5) *Electrical disconnect means.* (i) Inadvertent application of electrical power shall be prevented by:

(A) providing an exclusive, positive, locking means on the main switch which can be operated only by the person performing operation or maintenance duties; or

(B) in the case of material handling equipment located on the top surface of material in a bulk storage structure, by physically locating an electrical or mechanical means to disconnect the power on the equipment.

(ii) In no case shall the equipment be designed so it may be started up from a remote location while another person is servicing or adjusting it.

(iii) All circuit protection devices, including those which are an integral part of a motor, shall be of the manual reset type.

(d) *Cotton ginning equipment*—(1) *Power transmission components.* The main drive and miscellaneous drives of gin stands shall be completely enclosed, guarded by location, or guarded by standard railings. Drives between gin stands shall be guarded so as to prevent access to the area between machines.

(i) When guarded by standard railing, any hazardous component within 15 inches horizontally of the rail shall be enclosed.

(ii) Pulleys of V-belt drives shall be enclosed whether or not standard railings are present. The open end of the pulley guard shall be not less than 4 inches from the periphery of the pulleys.

(iii) Chains and sprockets not guarded by location shall be enclosed. Chains and sprockets guarded by location need not be enclosed if the bearings are packed, or if accessible extension lubrication fittings are used.

(iv) Where excessive deposits of lint constitute a fire hazard the face section only of nip point and pulley guards is required. The guard shall extend at least 6 inches beyond the rim of the pulley on the in-running and off-running sides of the belt, and at least 2 inches from the rim and face of the pulley in all other directions.

(v) Projecting shaft ends not guarded by location shall present a smooth edge and end, shall not project more than one-half the diameter of the shaft, and shall be guarded by nonrotating caps or safety sleeves.

(vi) In power plants or power development rooms, if access to the room is limited to authorized personnel, railings may be used in lieu of guards required in paragraphs (d) (1) (i) through (d) (1) (v) of this section.

(2) *Functional components.* (i) Gin stands shall be provided with a permanently installed guard designed to preclude contact with the gin saws while in motion. The saw blades in the roll box shall be considered guarded by location if they do not extend through the ginning ribs into the roll box when the breast is in the out position.

(ii) Moving saws on lint cleaners having doors giving access to the saws shall be guarded by interlock barred barrier guards or their equivalent.

(iii) An interlock shall be installed on all balers so that the upper gates cannot be opened while the tramper is operating.

(iv) Top panels of burr extractors must be hinged and equipped with a sturdy positive latch.

(v) All accessible screw conveyors shall be guarded by substantial covers or gratings, or with an inverted horizontally slotted guard of the trough type which will prevent personnel from coming into contact with the screw conveyor. Such guards may consist of horizontal bars spaced so as to allow material to be fed into the conveyor, and supported by arches which shall be not more than 8 feet apart. Screw conveyors under gin stands shall be considered guarded by location.

(3) *Warning device.* A warning device which will automatically sound an audible signal before the gin is started shall be installed in all gins. The signal shall be intense enough to be heard above the general noise level.

TABLE E-1.—*Examples of minimum requirements for guard materials*

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness
	Inches	*Inches*	
Woven wire	Under 2	¾	No. 16 gauge.
	2 to 4	½	Do.
	4 to 15	2	No. 12 gauge.
Expanded metal.	Under 4	½	No. 18 gauge.
	4 to 15	2	No. 13 gauge.
Perforated metal.	Under 4	½	No. 20 gauge.
	4 to 15	2	No. 14 gauge.
Sheet metal	Under 4		No. 22 gauge.
	4 to 15		Do.
Plastic	Under 4		Tensile strength of 10,000 lb./in².
	4 to 15		Do.

(Sec. 6(b), Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C., this 4th day of February, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-3276 Filed 2-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-SW-2]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Bell Model 206A and 206B helicopters. There have been several cases of loose rivets in the tail boom skin splice and six cases of cracked tail boom skins occurring in the area between Stations 300 to 341 on Bell Model 206A and 206B helicopters. Cracked tail boom skin could result in possible loss of tail boom. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directives would require a 100 hour repetitive inspection of the tail boom for loose rivets or cracks in the skin splice area from Station 300 to 341 on Bell Model 206A and 206B helicopters, serial numbers 1 through 944.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 13, 1974, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

BELL. Applies to Model 206A and 206B helicopters, serial numbers 1 through 944, certificated in all categories.

Compliance required within 50 hours time in service after the effective date of this A.D., unless already accomplished within the last 50 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection.

To detect loose rivets in the tail boom skin splice from Station 300 to 341 on the left-hand side of the boom and cracked tail boom skin in the same area, accomplish the following:

(a) Inspect visually the rivets for looseness or working in the skin splice and inspect the tail boom skin for cracks using a three power or higher magnifying glass.

(b) Replace loose rivets with AN470AD5-2 or CR2249-5-2 or equivalent rivets before further flight.

(c) Replace cracked tail booms before further flight with a serviceable tail boom in accordance with Section VIII of the Model 206A/B Maintenance and Overhaul Instructions.

(d) The repetitive inspections are still applicable for the noted helicopters after replacement of loose rivets or repair of cracked booms.

(Bell Helicopter Co. Service Bulletin No. 206-01-73-4, Revision B, dated October 16, 1973 pertains to this subject.)

Issued in Fort Worth, Texas on January 29, 1974.

HENRY R. NEWMAN,
Director, Southwest Region.

[FR Doc.74-3194 Filed 2-7-74;8:45 am]

[Docket No. 74-NE-2]

[14 CFR Part 39]

PRATT & WHITNEY JT9D-3A AND JT9D-7 ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pratt & Whitney JT9D-3A and JT9D-7 turbofan aircraft engines. There have been reported inflight internal main gearbox fires resulting from an internal gearbox failure. In addition, there have been reported instances of inflight engine shut downs resulting from indications of low oil quantity due to loss of oil at one or more carbon seal locations. Since these conditions are likely to develop in other engines of the same type design, the proposed airworthiness directive would require the installation of fog nozzles in the main gearboxes to prevent internal gearbox fire by enrichment of the oil/air mixture and the replacement of the present accessory carbon seal assemblies with redesigned carbon seal assemblies to prevent the oil leakage.

The reported main gearbox fires have not been time related but rather have occurred at random service times. In addition, due to problems caused by the energy crisis, the service time per month for these engines has varied greatly both for individual airlines and for the industry as a whole. As a result of these circumstances, the Notice proposes the utilization of a calendar date compliance time rather than the usual compliance time based on time in service. By terms of the proposed language, all engines would have to be in compliance by February 1, 1975. This date was selected after careful review of the safety considerations, parts availability, and the shop capability of the industry to effect the change.

While the carbon face seal leakage is a separate airworthiness problem, the logical time for replacement of these seals from both a technical and economic viewpoint would be the time when the gearbox rework is being accomplished. Therefore, the Notice proposes to include both corrective actions in the same AD with the same compliance time.

Interested parties are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, New England Region, Attention: Regional Counsel, Airworthiness Rules Docket, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 11, 1974, will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available in the Office of the Regional Counsel for examination by interested parties.

This amendment is proposed under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, and 1423], and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

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

PRATT & WHITNEY. Applies to all Pratt & Whitney Model JT9D-3A and JT9D-7 turbofan engines.

Compliance required not later than February 1, 1975.

1. To prevent the possibility of internal main gearbox fires in the event of an internal gearbox failure, rework the main gearbox in accordance with Pratt & Whitney Aircraft Service Bulletin No. 4043, dated February 5, 1973, or later FAA approved revisions.

2. To prevent leakage of oil around carbon face seals, replace present seal assemblies with the redesigned carbon face seal assemblies per Pratt & Whitney Service Bulletin No. 3902, dated August 8, 1972, or later FAA approved revisions.

Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, New England Region.

Issued in Burlington, Massachusetts on January 28, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-3193 Filed 2-7-74;8:45 am]

[14 CFR Part 71]

[Docket No. 74-WE-1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Red Bluff, California transition area.

Interested persons may participate in the proposed rule making 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 S. Aviation Blvd., P.O. Box 92007, Worldway Postal Center, Lawndale, California 90261. All communications received on or before March 11, 1974, 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 S. Aviation Blvd., Lawndale, California 90261.

Two new instrument approach procedures have been developed; one for Redding Municipal Airport, and one for Red Bluff Airport, California. The Redding approach has 40 mile DME arc transitions from V-25 and V-23 to intercept the localizer course 360° T (342° M) bearing from the end of RWY 16. This approach will be a LOC/DME BC RWY 16. The approach to Red Bluff will be a VOR/DME RWY 15, the 347° T (329° M) radial of the Red Bluff VOR TAC will be the final approach course. Small portions of 700′ and 1,200′ transition area will be required to provide controlled airspace protection for aircraft executing both instrument approach procedures 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 (39 FR 440) the description of the Red Bluff, Calif. transition area is amended to read as follows:

RED BLUFF, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40°-30′35″ N., longitude 122°17′30″ W.), within 2 miles W and 4 miles E of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, within 2 miles each side of the Redding ILS localizer N course, extending from the 5-mile radius

area to 8 miles N of the threshold of Runway 16, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.), and Enterprise Sky Park (latitude 40° 34'26" N., longitude 122°19'30" W.), and within 2 miles each side of the Red Bluff VORTAC 347° radial extending from the VORTAC to 11.5 miles N of the VORTAC, that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC, within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles W of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC. That airspace NW of Red Bluff within an arc of a 30-mile radius circle centered on Red Bluff VORTAC, extending from the N edge of V-195 to the W edge of the V-23 and that airspace north of Redding within an arc of a 23-mile radius circle centered on Redding VOR, extending from the E edge of V-23 to the W edge of V-25.

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

Issued in Los Angeles, California, on January 29, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.74-3195 Filed 2-7-74;8:45 am]

Federal Railroad Administration

[49 CFR Part 230]

[Docket No. LI-4; Notice 1]

LOCOMOTIVES

Proposed Safety Equipment

The Federal Railroad Administration (FRA) is considering development of proposed regulations to require additional safety equipment on locomotives. These regulations would require that locomotives be equipped with devices to (1) indicate train speed to the locomotive crew, (2) provide a continuous record of train speed, and (3) alert the locomotive crew that the drive or power wheels of any unit in the locomotive consist are slipping or sliding.

The regulations to be developed would apply to locomotives other than yard or switching locomotives that operate on track which is part of the general railroad system of transportation or on other track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan and suburban area. They would not, however, apply to locomotives which operate only on track within logging, mining, manufacturing, and other installations which are not part of the general railroad system of transportation. Also, the regulations would not apply to freight locomotives which operate only at low speeds over short segments of track that is part of the general railroad system of transportation.

BACKGROUND

The National Transportation Safety Board (NTSB) in its accident investigation report concerning the derailment of the Southern Railway Company train 154 and the subsequent fire and explosion at Laurel, Mississippi, on January 25, 1969, recommended that the FRA require all main line trains to be equipped with a device to record train speeds. In its accident report (NTSB R-71-1) covering the derailment of train No. 10/76 of the Richmond, Fredericksburg and Potomac Railroad Company at Franconia, Virginia, on January 27, 1970, the NTSB repeated this recommendation. The circumstances involved in the collision of two Illinois Central Gulf commuter trains in Chicago, Illinois, on October 30, 1972 (NTSB R-73-5), further emphasize the need for accurate speed indicators and recorders on trains.

The FRA believes that the application and use of reliable speed indicators and recorders would appreciably enhance the safety of locomotive and train operation. They would also greatly assist accident investigations and facilitate monitoring of train operations to verify that they are being conducted in accordance with speed limitations imposed by FRA and carrier rules.

In its accident investigation report concerning the derailment of Amtrak train No. 1 at Salem, Illinois on June 10, 1971, the NTSB recommended that the FRA review and strengthen its regulations relating to wheel slip/slide.

Section 230.201(d) of the FRA Locomotive Inspection Rules (49 CFR 230.210 (d)) provides: "Means shall be provided whereby alarms and indication of either slipping or sliding driving wheels on any unit in a locomotive used in road service will be shown in the enginemen's compartment of the controlling unit."

It has been demonstrated that undetected sliding locomotive wheels constitute a major safety hazard. Seven accidents were attributed to wheel slip/slide in 1971 including three derailments. The total estimated damage was $733,000. During the period 1947-1971, a total of 335 injuries and 13 fatalities resulted from accidents caused by sliding locomotive wheels.

SPEED INDICATORS AND RECORDERS

FRA is considering proposing a rule along the following lines. Within a year after the rule is issued, the controlling locomotive units of all trains in passenger or rapid transit service and of each train in freight service that operates at a speed of more than 25 miles per hour and/or for one-way distances of more than 25 miles, would be required to be equipped with an operative speed indicator device that continuously indicates train speed to within 3 m.p.h. of its actual speed and is visible to the locomotive crew under all light conditions. The rule would also require each person as soon as practicable after assuming control of a locomotive to test the device for accuracy by observing the time elapsed between mileposts, consulting a speed table and comparing the result with the indicated speed on the speed indicator device. Speed indicator devices found to be inaccurate or inoperative would be required to be repaired or replaced at the next repair facility where necessary repairs can be made. The rule would also require a comprehensive inspection and test at least once every three months and stencilling of the date and location of the last inspection and test on the device itself or recording to this information on a card displayed in the locomotive cab. Within three years, the controlling units of the trains described above would also be required to be equipped with speed recorders which continuously record train speed to within 3 m.p.h. of actual speed. Inspection and testing similar to that prescribed for speed indicators would also be required. All recordings of train speed would be required to be retained by the carrier for 48 hours after removal from the unit or until the locomotive had travelled an additional 500 miles, whichever occurs last. Removal of speed recordings from locomotives involved in an accident without prior FRA approval would be prohibited except when immediate removal is necessary to prevent destruction or damage to the recordings.

WHEEL SLIP/SLIDE INDICATORS

FRA is considering proposing a rule along the following lines. New Locomotives used in passenger on rapid transit service or to move trains in freight service that operate at speeds of more than 25 m.p.h. and/or travel distances of more than 25 miles would be required to be equipped with devices to warn the locomotive crew that the drive or power wheels of any unit in the locomotive consist are slipping or sliding or that non-power "idler" wheels are sliding. All other locomotives used in this service would have to be retrofitted with wheel slip/slide indicators within three years. In the event a wheel slip/slide indicator device is "cut out" or otherwise becomes inoperative, the locomotive would be allowed to proceed only to the next repair facility at a speed of not more than 25 m.p.h.

PUBLIC PARTICIPATION REQUESTED

This advance notice of proposed rule making is being issued in accordance with FRA's policy of early institution of public proceedings in action relating to rule making. FRA issues notices of this type when participation by the public would be helpful in selecting the courses of action and developing regulations to be proposed in notices of proposed rule making.

The purpose of this advance notice is to solicit public participation and comment on the nature of the regulation to be developed concerning locomotive speed indicators and recorders and wheel slip/slide indicators. In addition, interested persons are invited to submit written data, views and comments responsive to the specific questions listed below.

1. What minimum performance standards should be prescribed for speed recorders with respect to crash survivability, security against tampering, and accuracy of recording output?

2. How much "lead time" should the new rule provide before new locomotives placed in service are required to be equipped with speed indicators, speed recorders and wheel slip/slide indicators. How much time would be required to equip locomotives already in service?

3. What would the cost be for equipping new locomotives and retrofitting existing locomotives with speed indicators only, with both speed indicators and recorders, and with speed indicators, speed recorders and wheel slip/slide indicators?

4. What is the present "state of the art" for speed indicators, speed recorders and wheel slip/slide indicators? What equipment is available now for installation on locomotives? Will significantly improved equipment be available soon? Should the rule require that speed recorders also have the capability of recording other operating data beyond that under consideration in this notice? Should the rule require that wheel slip/slide devices function with or without power to traction motors under all operating conditions?

5. What specific testing, inspection and maintenance procedures should be prescribed?

Communications should identify the regulatory docket number and notice number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket Number LI–4, Notice 1, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received by March 18, 1974, will be considered by the FRA in development of a notice of proposed rule making. Comments received after that date will be considered only so far as practicable. All comments received both before and after the closing date for comments will be available for examination by interested persons at any time during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

This notice is issued under authority of secs. 2, 5, 36 Stat. 913, 914, 45 U.S.C. 23, 28, sec. 6 (e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655, 49 CFR 1.49(c)(5), and secs. 202, 209, 84 Stat. 975, 45 U.S.C. 431, 438, 49 CFR 1.49(n).

Issued in Washington, D.C. on February 4, 1974.

JOHN W. INGRAM,
Administrator.

[FR Doc.74–3234 Filed 2–7–74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 70, 150]

SPECIAL NUCLEAR MATERIAL

Reporting of Theft or Attempted Theft

The Atomic Energy Commission has under consideration proposed amendments to its regulations in 10 CFR Part 70, Special Nuclear Material, and 10 CFR Part 150, Exemptions and Continued Regulatory Authority in Agreement States Under Section 274, which in the interest of the common defense and security would require reporting of theft or attempted theft of special nuclear material.

The proposed amendments would apply to persons licensed pursuant to 10 CFR Part 70 and persons licensed by Agreement States, who possess 1 gram or more of contained uranium-235, uranium-233, or plutonium and would require such persons to report to the Commission and to the director of the appropriate AEC Regulatory Operations Regional Office, any theft or attempted theft of special nuclear material.

These reporting requirements are being proposed as part of an overall AEC effort to strengthen the protection of strategically important special nuclear material.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that the adoption of the following amendments of 10 CFR Parts 70 and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by March 25, 1974. Copies of comments filed with the Commission on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. Section 70.52 of 10 CFR Part 70 is amended to read as follows:

§ 70.52 Reports of accidental criticality or loss or theft or attempted theft of special nuclear material.

(a) Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of Part 73 of this chapter, by telephone, telegram, or teletype any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

(b) Each license who possesses 1 gram or more of special nuclear material shall report immediately any incident in which an attempt has been made or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess, in accordance with the procedures in § 73.71 of this chapter.

2. Section 150.16 of 10 CFR Part 150 is amended to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

(a) Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and distribute Nuclear Material Transaction Reports on Form AEC–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers such material shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(b) Each person who, pursuant to an Agreement State license, is authorized to possess 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report promptly to the Director of the appropriate Regulatory Operations Regional Office, listed in Appendix A of Part 73 of this chapter, by telephone, telegram, or teletype any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director of the appropriate Regulatory Operations Regional Office with a copy submitted to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C., 20545, which sets forth the details of the incident. Subsequent to the submission of the written report required by this paragraph, each licensee shall promptly inform the Director of the appropriate Regulatory Operations Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

Dated at Germantown, Maryland, this 1st day of February 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–3192 Filed 2–7–74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 244]

[Docket No. 26198]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS

Extension of Time

FEBRUARY 5, 1974.

By notice of proposed rule making EDR–258, dated December 6, 1973 and published at 38 FR 34879, the Board gave notice that it had under consideration an amendment to Part 244 of its Economic Regulations (14 CFR Part 244) to establish a Uniform System of Accounts and Reports for air freight forwarders, international air freight fowarders and the air express operations of REA Express, Inc., and establish certain statistical reporting instructions for foreign air freight forwarders. Interested persons were invited to participate in the pro-

posed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before February 11, 1974.

Counsel for Air-Sea Forwarders, Inc., Carmichael International Services, Inc. and International Customs Service, Inc. has requested a 17-day extension of the time for filing comments to February 28, 1974. In support of the request, counsel states, inter alia, that additional time is needed to permit discussion and review necessary to the filing of comments to this complex proposed amendment.

The undersigned finds that good cause has been shown for an extension of time for filing comments to February 28, 1974.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to February 28, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[FR Doc.74-3355 Filed 2-7-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89]

[Docket No. 19880]

EMERGENCY MEDICAL SERVICES

Extension of Time for Filing Reply Comments

In the matter of amendment of Parts 2 and 89 of the Commission's rules and regulations relating to communications for Emergency Medical Services.

1. In a notice of inquiry and proposed rule making (FCC 73-1238) (38 FR 33617, Dec. 6, 1973; 39 FR 1642, Jan. 11, 1974), adopted November 28, 1973, in the above-entitled matter, the Commission, among other actions, requested comments on an interim report (Task 1) prepared by Advanced Technology Systems, Inc. (ATS). The interim report, developed under a Commission contract study, examines radio communication requirements of the medical community.

2. Comments received in response to the notice indicate that there is substantial interest in subsequent reports submitted under the ATS contract study, and that comments on such reports will be of value to the resolution of issues under consideration in this proceeding. Accordingly, the Commission is including each of the ATS reports as formal comments in this proceeding, to be associated in the official docket files maintained in the Commission's Washington, D.C. offices. Already submitted are interim reports for Tasks 2 and 3, relating, respectively, to feasibility of implementing medical communications systems requirements under present Commission rules, and recommendations for necessary rule changes. A final comprehensive report, summarizing the interim reports, is to be submitted on February 14, 1974.

3. To afford interested persons an opportunity to review and comment upon these reports, it is determined that an additional period should be provided for the submission of reply comments.

4. *Accordingly, it is ordered,* That the time for filing reply comments to the Commission's Notice is extended from February 15, 1974, to March 1, 1974.

Released: February 4, 1974.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.74-3253 Filed 2-7-74;8:45 am]

PANAMA CANAL COMPANY

[35 CFR Part 133]

TOLLS FOR USE OF PANAMA CANAL

Rate Change; Hearing

On December 27, 1973, the Panama Canal Company published notice of a proposed change in the rates of tolls for use of the Panama Canal (38 FR 35333). The notice stated that interested persons who had submitted written data by February 1, 1974, and had filed a notice of appearance by February 19, 1974, could participate in a public hearing to be held in Washington, D.C. on March 5, 1974, at a location and time to be announced.

Notice is hereby given that the public hearing referred to above will be held on March 5, 1974, in conference room "B" on the first floor of the Departmental Auditorium, Department of Labor Building, on Constitution Avenue, between 12th & 14th Streets, Washington, D.C.

The hearing will commence at 10 a.m. and continue in session thereafter from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m. until concluded, subject to adjournment from day to day or otherwise at the discretion of the hearing panel.

By direction of the Board of Directors, Panama Canal Company.

Dated: February 4, 1974.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.74-3176 Filed 2-7-74;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

Customs Service

[T.D. 74-55]

FOREIGN CURRENCIES

Certification of Exchange Rates

JANUARY 29, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Denmark krone:	
Jan. 21, 1974	$0.1450
Jan. 22, 1974	.1473
Jan. 23, 1974	.1467
Jan. 24, 1974	.1485
France franc:	
Jan. 21, 1974	$0.1919
Jan. 22, 1974	.1918
Jan. 23, 1974	.1910
Jan. 24, 1974	.1915
Jan. 25, 1974	.19065
India rupee:	
Jan. 23, 1974	$0.1160
Jan. 24, 1974	.1160
Jan. 25, 1974	.1160
Ireland pound:	
Jan. 21, 1974	$2.1735
Jan. 22, 1974	2.1820
Jan. 23, 1974	2.1850
Italy lira:	
Jan. 21, 1974	$0.001490
Jan. 22, 1974	.001486
Jan. 23, 1974	.001475
Jan. 24, 1974	.001486
Jan. 25, 1974	.001489
Japan yen:	
Jan. 21, 1974	$0.003275
Jan. 22, 1974	.003280
Jan. 23, 1974	.003294
Jan. 24, 1974	.003332
Jan. 25, 1974	.0033355
Netherlands guilder:	
Jan. 23, 1974	$0.3317
Norway krone:	
Jan. 21, 1974	$0.1639
Portugal escudo:	
Jan. 21, 1974	$0.0357
Sri Lanka rupee:[1]	
Jan. 17, 1974	$0.1425
United Kingdom pound:	
Jan. 21, 1974	$2.1735
Jan. 22, 1974	2.1820
Jan. 23, 1974	2.1850

[1] Not previously reported.

[SEAL] JAMES D. COLEMAN,
Acting Director, Appraisement and Collections Division.

[FR Doc.74-3283 Filed 2-7-74;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1973 Rev., Supp. No. 9]

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $224,000.00 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

MARTIN INSURANCE COMPANY
LOS ANGELES, CALIFORNIA
CALIFORNIA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 1, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-3239 Filed 2-7-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-22]

MARTIN F. SOKOLOFF

Revocation of Certificate of Registration

On September 24, 1973, the Administrator of the Drug Enforcement Administration (the successor agency to the Bureau of Narcotics and Dangerous Drugs), issued an order to show cause to Martin F. Sokoloff, M.D., 103-11 Sixty-eighth Drive, Forest Hills, New York 11375, as to why his Certificate of Registration (BNDD Registration AS0725828), issued on February 27, 1973, should not be revoked for the reason that "* * * on June 12, 1973, in the United States District Court for the Eastern District of New York * * * [he] pleaded nolo contendere to three counts of knowingly and intentionally distributing and dispensing certain Schedule II controlled substances in violation of 21 U.S.C. 841(a)(1), 21 U.S.C. 842(a)(1) * * *." These violations related to felony provisions of Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (the Controlled Substances Act).

On October 15, 1973, the Respondent requested a hearing on the matter, and on November 19, 1973, an Administrative Hearing was held before Thomas A. Ricci, Administrative Law Judge, in Washington, D.C. Following that hearing, Proposed Findings of Fact and Conclusions of Law were submitted to Judge Ricci by both counsel for the Government and the Respondent.

On December 11, 1973, Judge Ricci filed with the Drug Enforcement Administration his findings of fact, conclusions of law, and recommended decision.

Judge Ricci's findings of fact may be summarized as follows:

1. Dr. Sokoloff was issued a Certificate of Registration on February 27, 1973.

2. A federal grand jury in the Eastern District of New York returned a nine count indictment charging that in August and September of 1972 Dr. Sokoloff knowingly and intentionally distributed and dispensed amphetamine sulfate tablets in violation of sections 841(a)(1), 842(a)(1), and 829(a) of the Controlled Substances Act.

3. On June 12, 1973, Dr. Sokoloff entered a plea of nolo contendere to three of the nine counts; the remaining six were then dismissed on the Government's motion.

4. On each of the three counts Dr. Sokoloff was fined $250 and given a two year suspended sentence all to run concurrently.

Judge Ricci's conclusions of law may be summarized as follows:

1. The nolo contendere plea "resulted in the substantial equivalent of a criminal conviction" and "therefore the registrant's license may lawfully be revoked".

2. The purpose of both the criminal statute under which Dr. Sokoloff was fined and received a suspended sentence, and the revocation provisions of sections 303 and 304 of the Controlled Substances Act "is to protect the public, to guard the public health".

3. "Nothing could be clearer than that the congressional concern which led to the Controlled Substances Act altogether, was realization that unlicensed and unsupervised production and distribution of drugs had become a danger to the population as a whole."

4. Section 303(b) of the Controlled Substances Act required that when registering an applicant (other than a practitioner) the Attorney General must consider such factors "relevant to and consistent with the public health and safety"; that the Attorney General should not register an applicant if "he determines that the issuance of such registration is inconsistent with the public interest".

5. The registration issued to Dr. Sokoloff was "the very arrangement which made

possible in the past, and could permit again in the future, his capacity to damage the public health and contravene and public interest".

It can fairly be said that Judge Ricci's findings of fact and conclusions of law are in agreement with the positions taken by DEA at the hearing and that they express accurately the predicate for issuance of the Order to Show Cause.

Having said this we turn to the Judge's recommended decision. He writes "I respectfully recommend that the Attorney General not revoke the registration certificate in this case".

Judge Ricci's reasons for his recommended decision may be summarized as follows:

1. Total revocation of Dr. Sokoloff's registration means "effective curtailment of his capacity to practice the medical profession".
2. Section 304 provides that the Attorney General "may" revoke a registration. It does not "mandate" that action.
3. "It is only fair to assume" that this was Dr. Sokoloff's first offense.
4. The six counts of the indictment which were dismissed on the government's motion should not be weighed against Dr. Sokoloff. The presumption of innocence applies to these counts.
5. A provision of Dr. Sokoloff's two-year probation was that he not stock amphetamines in his office during that time. This "leaves no doubt" that in the court's opinion the restriction gave "reasonable promise of full compliance with the law thereafter".

In light of the findings and conclusions, extended discussion of the recommended decision is not required. However, some comment on the stated reasons for the recommendation would appear to be in order.

1. We agree that total revocation of a physician's registration seriously curtails his capacity to practice medicine. We note in addition that, as to a physician who has been convicted of the illegal sale of highly dangerous drugs, revocation also serves seriously to curtail his capacity to continue breaking the law and in the process to destroy human lives.
2. We agree that revocation is not mandatory but suggest there is no hint of arbitrary action in revoking a physician's registration following his conviction for three illegal sales of highly dangerous drugs.
3. The Drug Enforcement Administration never charged that Dr. Sokoloff had committed previous offenses. It is our view that the offenses which he did commit are sufficient to justify administrative action.
4. As to the six counts dismissed on the government's motion, we point out this is a customary practice following a plea of guilty or nolo contendere by a defendant to other counts. We are obliged to indulge the presumption of innocence as to these six counts but question what substantive significance is derived therefrom.
5. The provision of Dr. Sokoloff's probation (that he not stock amphetamines in his office for two years) leaves no doubt that the sentencing judge did not entirely trust the doctor to deal correctly with amphetamines were he tempted by their physical presence. Moreover, in imposing sentence the judge stated, "this court can make no assurances either with respect to what a Federal agency might do. A Federal administrative agency, for example, might initiate proceedings against you with respect to these three dispensations of ampethamines. I just don't know what they are liable to do." (Registrant's Exhibit 1)

Summarizing the court's position, it did not trust Dr. Sokoloff to possess a supply of amphetamines and it left to DEA the judgment as to whether that limitation was sufficient to meet the total problem. We concur in the court's finding that the doctor should not be trusted to possess the exact type of drugs which he sold illicitly and find no reason to assume that he could better be trusted to possess other Schedule II drugs such as certain barbiturates, methaqualone, and cocaine. Since our experience has demonstrated that the illicit sale of prescriptions is as inimical to the public health and safety as the illicit sale of the actual drugs they represent, we merely extend the sentencing court's position by proscribing prescribing, as well as selling, of the most dangerous drugs. This extension is consistent with the court's view that its sentence left future administrative action open and unencumbered.

In the circumstances of this case it would be entirely proper for DEA to terminate absolutely Dr. Sokoloff's ability to dispense or distribute controlled substances. However, since the sentencing court desired that Dr. Sokoloff be permitted to continue in practice, the fullest range of administrative sanctions will not be imposed.

Therefore, in accordance with the provisions of 21 CFR 1316.66, and in view of the foregoing, it is the Administrator's opinion that the Respondent, Martin F. Sokoloff, M.D., was convicted of a drug related felony violation of Federal law, namely the unlawful distribution of controlled substances.

Accordingly, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR § 0.100 as amended, and Reorganization Plan Number 2 of 1973, the Administrator hereby orders that the Certificate of Registration of Martin F. Sokoloff, M.D. (BNDD Registration AS0725828) be, and hereby is, revoked, effective February 8, 1974.

Should Dr. Sokoloff apply for another Certificate of Registration prompt consideration will be given to the granting of such application limited to Schedules III, IV, and V of the Controlled Substances Act.

Dated: February 4, 1974.

JOHN R. BARTELS, Jr.
Administrator, Drug Enforcement Administration.

[FR Doc.74-3138 Filed 2-7-74;8:45 am]

[Docket No. 73-13]

PATRICK A. LOREY

Denial of Application for Registration

On July 24, 1973, the Acting Administrator of the Drug Enforcement Administration issued an order to Show Cause to Patrick A. Lorey, D.O., Fourth Street and Allen, Tombstone, Arizona 85638, as to why his Application for Registration as a dispenser of controlled substances, executed on May 1, 1973, should not be denied for the reason that he was adjudged guilty, under the laws of the State of Arizona, for the unlawful sale of dangerous drugs (namely, amphetamine, a Schedule II controlled substance). This violation relates to a felony provision of the laws of the State of Arizona relative to controlled substances.

On September 2, 1973, the Respondent requested a hearing on the matter, and on October 26, 1973, an Administrative Hearing was held before Miles J. Brown, Administrative Law Judge, in Phoenix, Arizona. Following that hearing, Judge Brown ordered both parties to submit Proposed Findings of Fact and Conclusions of Law; only counsel for the Government submitted such findings and conclusions.

There appears today in the FEDERAL REGISTER the Administrator's decision in the matter of Dr. Martin F. Sokoloff. The facts in that proceeding are discussed at some length and are so similar to the facts in the matter of Dr. Patrick A. Lorey that extended comment here would be repetitive.

In substance, on February 23, 1973, Dr. Lorey was convicted by a jury in the Superior Court of Maricopa County, State of Arizona, for the illegal sale of amphetamines. This is a felony violation under Arizona law. The court suspended sentence for seven years provided Dr. Lorey practice medicine in Tombstone, Arizona, a place where the court stated, "there is a bad need for a physician."

In light of these facts Administrative Law Judge Miles J. Brown recommends that the Drug Enforcement Administration grant a Certificate of Registration to Dr. Lorey "covering the controlled substances in Schedules II, III, IV, and V". However, Judge Brown further recommends that the Certificate "be suspended insofar as 'amphetamines' are concerned". At the hearing, counsel for DEA explained the extreme diversion potential which would be caused by permitting a physician to be registered in a particular schedule while "suspending" him as to a particular drug included in that schedule. Counsel noted that in the case of a manufacturer a registration is issued identifying the particular drug he is authorized to manufacture. This procedure, he pointed out, cannot be followed with regard to physicians "because of the number of drugs they prescribe". Consequently, manufacturers are registered as to specific drugs, physicians as to general categories. Thus, a supplier would know only that a physician was permitted activity in certain schedules and not be aware of interior limitations. (Transcript of Hearing, pages 158-159)

Paralleling what was said in the matter of Dr. Sokoloff, we concur in Judge Brown's recommendation that Dr. Lorey should not be trusted to administer or prescribe amphetamines but find no reason to assume that he could better be

trusted to administer or prescribe other Schedule II drugs such as certain barbiturates, methaqualone, and cocaine.

Not incidentally, our lack of trust in Dr. Lorey's ability to comply absolutely with the Controlled Substances Act is shared by various citizens of the town in which he must serve for seven years. A weekly newspaper, the "Tombstone Epitaph," published an editorial entitled "A Dubious Distinction" which stated in part:

> There is no doubt that Tombstone needs a doctor. By the same token, in the short time that Dr. Lorey has been in the community he has earned a measure of support from persons whom he has treated. On the other hand, Tombstone has a teen-age drug problem. Many persons are understandably concerned about a man with a conviction of dealing in 'speed' [amphetamines] moving into the community.

The "National Tattler" of June 10, 1973, reports that "other residents feel the small town already has a narcotics problem and having a doctor with a drug conviction makes them uneasy". These and other newspaper clippings were introduced by Dr. Lorey's counsel. They show that some residents welcomed and trusted Dr. Lorey; others did not (Respondent's Exhibits 1 and 2). In any event he has not been received an as unmixed blessing.

In the circumstances of this case it would be entirely proper for DEA to terminate absolutely Dr. Lorey's ability to dispense or distribute controlled substances. However, since the sentencing court placed Dr. Lorey on probation for seven years because Tombstone needed a physician, the fullest range of administrative sanctions will not be imposed.

The Administrator of the Drug Enforcement Administration hereby adopts in substance, pursuant to 21 CFR 1316.-65, Judge Brown's findings of fact, but does not accept his conclusions of law, and recommended decision.

Therefore, in accordance with the provisions of 21 CFR 1316.66, and in view of the foregoing, it is the Administrator's opinion that Dr. Lorey was convicted of a drug related felony violation of the laws of the State of Arizona, namely, the unlawful distribution of controlled substances.

Accordingly, under the authority vested in the Attorney General by sections 303 and 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823 and 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100 as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the Application for Registration executed by Dr. Lorey on May 1, 1973, be, and hereby is, denied, effective February 7, 1974.

Should Dr. Lorey apply again, prompt consideration will be given such application limited to Schedules III, IV, and V of the Controlled Substances Act.

Dated: February 4, 1974.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.74-3137 Filed 2-7-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

FISCAL YEAR 1975 DRAFT ENVIRONMENTAL STATEMENT

Notice of Public Meetings

Notice is hereby given of a change in the schedule date of a public information meeting on Bonneville Power Administration's Fiscal Year 1975 Draft Environmental Statement.

Notification of the public meeting previously scheduled for Thursday, February 14, 1974, at 7:30 p.m. appeared in the FEDERAL REGISTER on Wednesday, January 2, 1974 (39 FR 17). This meeting has been postponed and will be held instead on Tuesday, April 2, 1974. As previously arranged, the meeting is still to be conducted at the Islander Lopez Motel, Lopez Island, Washington, at 7:30 p.m.

Notice is also given of an additional meeting scheduled to cover the Hot Springs-Bell Proposal. This meeting, one in a series of four meetings to be held on this particular proposal, will be held March 14, 1974, at 1 p.m., Pasttime Cafe, Sand Point, Idaho.

Dated: February 6, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-3360 Filed 2-7-74;8:45 am]

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE SOUTHERN CALIFORNIA

Request for Comments Concerning Possible Oil and Gas Leasing

In the FEDERAL REGISTER issue of January 2, 1974, Vol. 39, No. 1, page 18, the Department of Interior published a notice calling for nominations of tracts for possible oil and gas leasing in the Outer Continental Shelf offshore Southern California. The notice stated that nominations will be considered for any or all of the specific area described in that notice.

The above-mentioned call for nominations was directed primarily to the oil and gas industry in order that the degree of leasing interest in specific blocks may be identified. The Department of Interior also desires to obtain the views and comments of all other interested parties on possible oil and gas leasing in the general area of the call for nominations, including but not limited to environmental, technological, and socio-economic aspects of leasing and development. Accordingly, interested parties such as private citizens, academic and scientific groups, conservation groups, utilities and state and local governments are requested to submit their views in writing on the proposal and to identify their specific areas of interest. The area of interest is that part of the Channel Islands area maps 6A and 6B lying south of the Santa Barbara Islands and all of Channel Islands area maps 6B, 6C and 6D. This area is located within the following general geographic area: Beginning at 34° N. latitude, 121° W. longitude; thence east to the California coast line; thence southeasterly to the Mexican Border; thence southwesterly to 32° N. latitude, 121° W. longitude; thence N. to the point of beginning.

It is requested that comments identify or cite specific mapped areas and, to the extent possible, specific tracts or clusters of tracts by block numbers. Respondents should provide their best information possible on resources and uses of the area. For example, if wildlife is a concern, the information should contain data on kinds, numbers, ecologic relationships, and other factors deemed relevant. Also, comments should indicate specific actions which might be taken to reduce or eliminate potential conflict with mineral leasing.

Comments are requested to be submitted in writing not later than March 11, 1974, to the Manager, Pacific Outer Continental Shelf Office Bureau of Land Management, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012. Where possible the above described Bureau of Land Management leasing maps should be used to identify specific blocks being discussed. Copies of these maps may be purchased at the above address for $1.00 each.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: January 31, 1974.

BRAD E. HAINSWORTH,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-3206 Filed 2-7-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service (Agricultural Adjustment)

VIRGINIA SUN-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on February 25 to March 1, 1974, each inclusive, a referendum will be held of farmers engaged in the production of the 1973 crop of Virginia sun-cured tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice was given (38 FR 35009) that

consideration would be given to data, views and recommendations on establishing the date or period for holding the referendum and whether the referendum should be conducted at polling places rather than by mail ballot. The data, views and recommendations regarding the referendum have been considered within the limitations permitted by the Act. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the Virginia sun-cured tobacco farmers voting favor marketing quotas for the 1974–75, 1975–76 and 1976–77 marketing years. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended, Part 717 of this Chapter (33 FR 18345).

Signed at Washington, D.C. on February 4, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–3236 Filed 2–7–74;8:45 am]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

FOREIGN DIRECT INVESTMENT PROGRAM

Termination of Controls

JANUARY 29, 1974.

Robert H. Enslow, Director, Office of Foreign Direct Investments (OFDI), U.S. Department of Commerce, announced today that the foreign direct investment controls administered by the Office are terminated effective immediately. This action includes recession of the controls on repayment of outstanding foreign borrowings announced on December 26, 1973.

The Foreign Direct Investment Program administered by OFDI was instituted on January 1, 1968, in response to the deterioration in the U.S. balance of payments position.

Mr. Enslow stated that direct investors will be required to submit reports regarding compliance during 1973 with the Foreign Direct Investment Regulations. The Office will issue simplified reporting forms in the near future for use in gathering economic statistical information on the current and future foreign investment activities of a substantially reduced number of direct investors.

Dated: January 29, 1974.

ROBERT H. ENSLOW,
Director, Office of Foreign Direct Investments.

[FR Doc.74–3305 Filed 2–7–74;8:45 am]

Social and Economic Statistics Administration

SURVEY OF RETAIL SALES, PURCHASES AND INVENTORIES

Notice of Determination

In accordance with 13 U.S.C. 181, 224, and 225, and due notice of consideration having been published November 7, 1973 (38 FR 30763) I have determined that certain 1973 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951, and makes available on a comparable classification basis data covering 1973 year-end inventories, annual sales and purchases. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail firms in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in census list sample mail panel, and location in census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participants in the Bureau's monthly survey will be asked to report in total only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: February 5, 1974.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74–3233 Filed 2–7–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4A2975]

ABBOTT LABORATORIES

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4A2975) has been filed by Abbott Laboratories, North Chicago, IL 60064, proposing that the food additive regulations be amended to provide for the safe use of cyclamic acid, calcium cyclamate, and sodium cyclamate as sweetening agents in food and for technological purposes in food other than calorie reduction.

Because of the anticipated widespread public interest in this petition, Abbott Laboratories has requested that the entire petition, except as set forth below, be made available by the Food and Drug Administration for inspection by any interested party. Incorporated in the petition by reference is Abbott Laboratories' Food Additive Master File No. 142. Pages 85 through 131 of the Master File consist of descriptions of manufacturing procedures and manufacturing controls considered to be confidential to Abbott Laboratories. These pages are not available for public inspection.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determind that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday. The petition itself also may be seen in the office of the Hearing Clerk.

Dated: January 23, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–3294 Filed 2–7–74;8:45 am]

FRESH AND FROZEN OYSTERS, CLAMS, AND MUSSELS

Availability of Proposed Good Manufacturing Practice Regulations; Extension of Time for Filing Comments

In the FEDERAL REGISTER of December 13, 1973 (38 FR 34353) the Commissioner of Food and Drugs published a Notice of Availability of a draft of Proposed Current Good Manufacturing Practice Regulations (21 CFR Part 128g) Fresh and Frozen Oysters, Clams, and Mussels. A period of 60 days, ending February 11, 1974, was provided for the filing of comments on the draft proposal.

The Commissioner has received a request from the Shellfish Institute of

North America for an additional 30 days in which to file written comments on the draft proposal.

Good reason therefor appearing, the time for filing comments in this matter is hereby extended to March 13, 1974.

Dated: February 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-3307 Filed 2-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during January 1974:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6839	Shippers registered with this Board to ship certain corrosive liquids in non-DOT specification reusable, rotational molded, closed-head polyethylene containers of 55 gallons capacity.	Highway, rail freight.
6841	Amax Specialty Metals Corp., and Teledyne Wah Chang Albany to ship zirconium tetrachloride in a non-DOT specification rubber container having capacity of 300 cubic feet.	Do.
6842	Stauffer Chemical Co., Westport, Conn. to ship a corrosive solid containing sodium hydroxide, dry in non-DOT specification multiwall paper bags.	Cargo vessel, cargo-only aircraft, highway, rail freight, rail express.
6843	Stauffer Chemical Co., Westport, Conn., to ship certain corrosive liquids in DOT specification 5K nickel drums.	Do.
6844	E. I. du Pont de Nemours & Co., Inc., to ship coal tar dye, liquid in a non-DOT specification 275 gallon "Dypak" single-trip polyethylene container overpacked in a strong plywood box.	Highway, rail freight.
6845	Pennwalt Corp., Philadelphia, Pa., to ship certain chloroisocyanurates, dry in non-DOT specification open-head polyethylene pails having polyethylene liner bag.	Do.
6846	Shippers registered with this Board to ship Caustic soda, dry in non-DOT Specification triple-wall corrugated fiberboard box lined with a polyethylene bag.	Highway, Rail Freight.
6847	E. I. du Pont de Nemours & Co., Inc. to ship Toluene Diisocyanate, and Methyl-bis-4-cyclohexyl isocyanate in a non-DOT specification steel portable tank having a design pressure of 34 psig.	Cargo vessel, Highway.
6848	Monsanto Co., St. Louis, Missouri to ship a limited number of non-DOT Specification aluminum alloy cylinders containing a pressurized gel formulation.	Highway.
6849	Shippers registered with this Board to ship Phosphoric acid solution in AAR-203-W specification tank cars.	Rail Freight.
6851	Economics Laboratory Inc., St. Paul, Minn., to ship certain corrosive liquids in non-DOT specification single wall, corrugated fiberboard box (200 lb. test) having inside polyethylene bottles.	Highway.
	DENIED—SUBJECT	
	(1) Request by Scientific Gas Products, Inc., to allow DOT-39 cylinders to be refilled and shipped a limited number of times.	

ALAN I. ROBERTS,
Secretary.

[FR Doc.74-3280 Filed 2-7-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice and Order for Prehearing Conference

In the matter of Washington Public Power Supply System (WPPSS Hanford No. 1).

Notice is hereby given that, pursuant to the Atomic Energy Commission's notice of hearing on application for construction permit published in the FEDERAL REGISTER on December 21, 1973, (38 FR 35034), and in accordance with § 2.751a of said Commission's rules of practice, 10 CFR Part 2, a special prehearing conference will be held in the above captioned proceeding on February 26, 1974 at 10 a.m., local time, in the Venerita Room, Hanford House, 802 George Washington Way, Richland, Washington 99352. This prehearing conference will be held before the Atomic Safety and Licensing Board (the Board) established in the aforementioned Notice of Hearing and composed of Dr. Donald P. deSylva, Dr. Marvin M. Mann, and Daniel M. Head, Chairman.

The application which is subject matter of this proceeding has been made by the Washington Public Power Supply System for a construction permit for a pressurized water nuclear power plant (the facility), which will be designed for initial operation at approximately 3619 megawatts thermal, with a net electrical output of approximately 1206 megawatts. The facility is to be located in Benton County, Washington.

This special prehearing conference shall deal with the following matters:

1. Identification of the key issues;
2. Any steps necessary for further identification of the issues;
3. Outstanding petitions for intervention;
4. All pending motions;
5. The need for discovery, and the time required thereof;
6. Establishment of a schedule for further action; and
7. Such other matters as may aid in the orderly disposition of the proceeding.

At the special prehearing conference, the Board will entertain oral argument on the outstanding petitions to intervene. The petitioners, as well as the parties, will be heard in this regard. The Board will expect to be advised on issues relating both to the interest and to the contentions of the various petitioners.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715(a) of the Commission's rules of practice, 10 CFR Part 2, may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties and any petitioners for intervention are directed to confer in advance of this special prehearing conference, in such manner as they may deem appropriate, and report to the Board at said conference on any stipulations regarding interest and/or matters in controversy, and on any other mutually agreeable procedures to expedite this proceeding.

By Order of the Atomic Safety and Licensing Board.

Dated this 4th day of February, 1974, at Washington, D.C.

DANIEL M. HEAD,
Chairman.

[FR Doc.74-3191 Filed 2-7-74;8:45 am]

FIRE PROTECTION FOR PLUTONIUM PROCESSING AND FUEL FABRICATION PLANTS

Regulatory Guide; Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 3, "Fuels and Materials Facilities Guides." Regulatory Guide 3.16, "General Fire Protection Guide for Plutonium Processing and Fuel Fabrication Plants," describes acceptable general guidelines for fire protection of plutonium processing and fuel fabrication plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission,

Washington, D.C. 20545, Attention: Chief Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 3 Regulatory Guides currently being developed include the following:

Process Offgas Waste Treatment Systems for Fuel Reprocessing Plants
Confinement Barrier and Systems for Fuel Reprocessing Plants
Reporting of Operating Information for Fuel Reprocessing Plants
General Design Guide for Process Building Ventilation Systems for Fuel Reprocessing Plants
General Fire Protection Guide for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Plutonium Fuel Fabrication and Recovery Plants
Standard Format and Content of License Applications for Commercial Waste Burial Facilities
Earthquake Instrumentation for Fuel Reprocessing Plants

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland, this 31st day of January 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-3272 Filed 2-7-74;8:45 am]

[Docket Nos. 50-315, 50-316]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Notice of Evidentiary Hearing

In the matter of Indiana & Michigan Electric Company and Indiana & Michigan Power Company (Donald C. Cook Nuclear Plant Units 1 and 2).

Take notice that on October 5, 1972, a notice of hearing on applications for facility operating licenses in the above-entitled matter was published in the FEDERAL REGISTER (37 FR 20996). The notice advised that a hearing would be held upon the issues that were to be—and subsequently have been—specified by the Atomic Safety and Licensing Board, relative to the determinations of whether to condition the construction permits of, and to grant operating licenses to the Indiana & Michigan Electric Company, and the Indiana & Michigan Power Company. Said determinations relate to the two pressurized water nuclear reactors, designated as the Donald C. Cook Nuclear Plant, Units 1 and 2, located on the shore of Lake Michigan on Applicants' site in Berrien County, Michigan.

The matter having come before this Board at prehearing conferences heretofore held and in telephone conferences with the parties, it was agreed that the Evidentiary Hearing in this proceeding will commence in Grand Rapids, Michigan, on February 19, 1974.

Wherefore, it is ordered, In accordance with the Atomic Energy Act of 1954, as amended, and the Rules of Practice of the Commission, that evidentiary hearings in this proceeding shall convene at 2 p.m. local time, on Tuesday, February 19, 1974, in Room 187 of the Federal Building and U.S. Courthouse, at 110 Michigan St., in Grand Rapids, Michigan.

The public is invited to attend the hearing. Those persons and organizations having filed their intent to make limited appearances, in accordance with 10 CFR 2.715(a), will be served copies of this notice, and will be afforded the opportunity to state their views or to file a written statement on the first day of the hearings, or at such other times as the Licensing Board may for good cause designate. Also, as stated in the Board's Special Prehearing Conference Order of December 15, 1972, the State of Michigan will be permitted to make limited appearances through its officials, and also will be permitted to participate in the proceeding in accordance with § 2.715(c) of the Commission's rules of practice.

Issued at Washington, D.C., this 5th day of February 1974.

It is so ordered.

The Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.74-3273 Filed 2-7-74;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER & LIGHT CO.

Reconstitution of Board

In the matter of Louisiana Power and Light Company (Waterford Steam Electric Station, Unit 3).

Dr. Donald P. de Sylva was a member of the Atomic Safety and Licensing Board established to consider the above application. Because of his current illness, Dr. de Sylva is unable to continue in his duties as a member of this Board.

Accordingly, Dr. E. Leonard Cheatum, Director, Institute of Natural Resources, University of Georgia, Athens, Georgia 30601, is appointed a member of the Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Washington, D.C. this 5th day of February 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-3275 Filed 2-7-74;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Oral Argument on Proposed Findings

In the matter of Northern Indiana Public Service Company (Proposed Bailly Generating Station, Nuclear 1).

Take notice, that oral argument relating to the proposed findings of fact, conclusions of law, and briefs in support thereof, filed by the parties in the instant proceeding, will be held on February 19, 1974, at 10 a.m., local time, in the United States Court of Claims, Room 309, 717 Madison Place, NW., Washington, D.C. 20005.

The total time to be allotted to each of the parties shall not exceed two hours. The Applicant shall proceed first, to be followed by the Joint Intervenors, then by the Regulatory Staff of the Atomic Energy Commission, and rebuttal argument, if any, by the Applicant.

While the Licensing Board does not intend to limit the scope of the oral argument, it, nevertheless, is desirous of hearing discussion on two topics:

1. The validity of the Applicant's projections pertaining to future electrical needs in the areas serviced by the Applicant; and

2. The appropriateness of the Bailly or Kankakee site for the location of the proposed nuclear generating station.

Should the Board determine between now and the date for oral argument that other topics would be of particular interest to the Board, it shall make every effort to apprise the parties regarding their subject matters either by letter or telephone.

Issued at Washington, D.C. this 5th day of February 1974.

It is so ordered.

The Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.74-3274 Filed 2-7-74;8:45 am]

[Docket No. 50-389]

FLORIDA POWER AND LIGHT CO.

Notice of Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed St. Lucie Plant, Unit No. 2, to be constructed by Florida Power and Light Company in St. Lucie County, Florida is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. The Draft Statement is also being made available at the Bureau of Intergovernmental Relations, 725 South Bronough Street, Tallahassee, Florida 32304. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by

Florida Power and Light Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26483).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 1, 1974. When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 5th day of February, 1974.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.74-3351 Filed 2-7-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990; Agreement CAB 24108]

EASTERN AIR LINES, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Capacity Reduction in Miami-San Juan, St. Thomas, St. Croix Markets; Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of February, 1974.

Eastern Air Lines and Pan American World Airways have submitted an application for prior Board approval, pursuant to Subpart P of the Board's rules of practice (14 CFR 302.1601—302-1608), of an agreement between them which would establish maximum scheduled frequency levels for service between Miami, Florida, on the one hand, and San Juan, Puerto Rico, and St. Thomas and St. Croix, Virgin Islands, on the other hand. Discussions which led to the adoption of this agreement were held, pursuant to Order 73-10-50 (October 12, 1973), as amended by Orders 73-10-79 (October 19, 1973) and 73-11-50 (November 13, 1973), on November 14, 1973 in Washington, D.C.

Answers in opposition to Board approval of this agreement were filed by the United States Department of Justice (DOJ), the Commonwealth of Puerto Rico, and the Air Line Pilots Association, International (ALPA).[1] A joint reply to these answers was filed pursuant to Rule 1608 of the Board's Rules of Practice (14 CFR 302.1608), by Eastern and Pan American.

The agreement will be implemented, subject to prior Board approval, on January 31, 1974, and will terminate on April 28, 1974. The number of weekly roundtrip frequencies operated by Eastern and Pan American in the Miami-San Juan/St. Thomas/St. Croix market as a whole will be 20 percent less than that planned by each of the carriers for January 15, 1974.[2] This will result in 39 round-trips by Eastern and 28 by Pan American, for a total reduction from planned service of 17 round-trips in these markets. Each of the agreed frequencies operating to and from Miami may serve either one, two, or three of the named points in Puerto Rico and the Virgin Islands. As with similar agreements, provision is made for each of the carriers to operate extra sections of flights for operational reasons or unusual demand, but such extra sections are not to be published, advertised, or otherwise held out to the public. The parties also agree that to meet unusual operational requirements, the substitution of larger aircraft for smaller aircraft will be permitted on an irregular and infrequent basis. Also, there will be no restriction on the manner in which the carriers may use the agreed-upon weekly frequencies. In the event of a cessation or curtailment of service by any party resulting from a labor dispute or other cause beyond the control of that party, the limits set forth in the agreement are to be suspended during the period of such cessation or curtailment, and in the event the agreement is approved by the Board subject to conditions which are unacceptable to either of its parties, either may terminate the agreement by giving written notice to the other party within one week thereafter.

In support of their agreement, the carriers argue that the Mandatory Fuel Allocation Program[3] limited the fuel consumption of air carriers to the level of the corresponding months of 1972, and that later policy statements have indicated that such consumption would be further limited. The carriers claim that the implementation of this agreement would result in a saving of almost 97,000 gallons of fuel per week, which would help bring the carriers to the level of fuel use required by the allocation program. The carriers also claim that the level of service called for under the agreement is reasonable since the traffic and capacity statistics of 1973 and the projections for the period of time covered by the agreement demonstrate that reduced capacity in these markets will not compromise the needs of the travel public. The forecast traffic and capacity under the agreement will result in load factors ranging from 56 to 63 percent, and if the traffic during the agreement unexpectedly equals the 1973 levels the load factors would still be under 70 percent. Both Eastern and Pan American have said they would continue under the agreement to provide service between Miami and each of the other agreement points. Both carriers have the authority to combine San Juan and the Virgin Islands on the same flight serving Miami. For the above reasons, the carriers contend that the agreement is required by a serious transportation need, in view of the Mandatory Fuel Allocation Program, and that it will secure important public benefits by maintaining competition and avoiding the possibility of excessive unilateral reductions or withdrawals of service.[4] Further, they say this agreement is similar to those which have recently been approved by the Board.

DOJ disagrees with the carriers' assertion that this agreement meets the Local Cartage tests. It says that the Mandatory Fuel Allocation Program requires all air carriers to reduce operations to conform to the availability of fuel and thus undercuts the primary justification for permitting competing air carriers to enter into agreements to reduce capacity and divide markets among themselves. The agreement is superfluous and unnecessary, according to DOJ, since Eastern and Pan American are required to reduce their fuel consumption, and thus their schedules, several weeks before this agreement is to be implemented. DOJ refers to its comments in response to previous fuel savings capacity reduction agreements as detailing additional reasons for its conclusion that multilateral agreements are not an appropriate mechanism for achieving the fuel reductions required by the Mandatory Fuel Allocation Program. It adds that the vast preponderance of the flight reductions that have been made as a result of the fuel program have been made on a unilateral basis, and the applicants herein have not advanced any satisfactory explanation of why the cuts agreed to in these markets had to be made by agreement. In conclusion, DOJ argues that the fuel situation cannot be relied upon as the justi-

[1] The Puerto Rico and ALPA answers were accompanied by motions for leave to file late documents, pursuant to 4(f) of the Board's rules of practice (14 CFR 302.4(f)), which will be granted.

[2] For the purposes of this agreement, wide-bodied aircraft count as two frequencies and narrow-bodied as one.

[3] The Mandatory Fuel Allocation Program, which was applicable to the fuel used by the airlines, was adopted by the Energy Policy Office on October 12, 1973 (EPO Reg. 1, 32A CFR Chapter XIII, 38 FR 28660), effective November 1, 1973. A revised Mandatory Petroleum Allocation Program was adopted by the Federal Energy Office on January 14, 1974 (39 FR 1924). Domestic air carriers are now allocated 95% of the amount of fuel they used in the corresponding months of 1972 (10 CFR 211, Subpart H).

[4] Compare, "Local Cartage Agreement Case," 15 CAB 850, 852-53 (1952).

fication for a broad scale abandonment of competitive operations without a substantial showing that no other means are available for satisfactorily reducing consumption to match available supplies. Accordingly, DOJ asserts, the Board cannot legally approve this agreement under the standards of section 412(b) of the Act.

Puerto Rico also opposes the agreement. It says its island status makes it especially dependent on a full and effective pattern of air transportation to satisfy the living needs of its citizens and to attract business and tourism, and that airline capacity reductions have a much more immediate and devasting impact on Puerto Rico than on many areas of the country. It alleges that the drop-off in traffic in the New York-San Juan market, which is the subject of an existing capacity agreement, shows the depressant effect of such agreements on Puerto Rican markets. Puerto Rico says such an agreement is particularly inappropriate for the Miami-San Juan market, since Miami being a major gateway for Puerto Rico, reductions here would affect San Juan travelers to and from a great many cities throughout the country. It argues that the carriers have not attempted to assess the broader impact of capacity reduction agreements on major gateway markets, especially since unilateral reductions in San Juan service to other cities would increase the importance of the Miami gateway. Puerto Rico also disagrees with the carriers' forecast of decreased traffic and low load factors even with the agreement in effect. It says that Puerto Rico is confident, based on its long-term growth experience, that if its air service is not impeded by capacity reduction agreements, its air traffic will grow. It also argues that the oil supply situation is now a little brighter and that there now appears to be a recognition of the need for priority status for airlines. Even absent these developments, though, Puerto Rico does not believe that an agreement reducing its service to Miami should be approved.

ALPA requests that the Board impose employee protective provisions on this agreement, among others. It acknowledges that the Board has previously denied similar requests,[5] but says that these denials did not deal adequately with the issue of employee protection. ALPA argues that they amount to a decision to ignore entirely the impact on employees of capacity restraint agreements, contrary to the decision in "ALPA v. CAB," 475 F. 2d 900 (D.C. Cir. 1973). ALPA argues that the fact that employees would be injured absent carrier agreements has not been a reason for the Board's ignoring the possibility of protective conditions when considering such agreements, and that capacity restraint agreements change the impact of fuel shortages on employees by making them jobless sooner and in larger members than absent such agreements. The enhanced efficiency and profitability of the airlines resulting from such agreements, ALPA asserts, provides the carriers with the wherewithall to ameliorate employee injury. Further, ALPA contends that the Board's distinction between general employee welfare and the prevention of labor disputes in deciding when to impose labor protective provisions might amount to an encouragement of strikes, and in any case was rejected in "ALPA v. CAB," cited above.

In their reply, Eastern and Pan American say that DOJ's arguments have previously been considered by the Board and that the fact that the agreement could not be implemented sooner does not impair its usefulness and necessity in the coming months; that the load factor in the only Puerto Rico market presently subject to a capacity agreement, as well as the forecast load factor under the agreement herein, is lower than that urged by Puerto Rico for rate making purposes,[6] and that the data presented to show Miami's traffic and capacity reflects its gateway status since it includes all beyond as well as local traffic; and that the position of ALPA has already been fully considered by the Board and it has not cited any new matters that would require reversal of prior rulings.

The air transportation industry is being faced with a shortage of fuel. As a result of this situation the air carriers must make fuel-saving adjustments to their schedules. The Board has already noted its concern that those cutbacks necessitated by the fuel shortage be made in a manner that provides the best service possible under the circumstances. Accordingly, it is the Board's belief that inter-carrier agreements on schedule reductions necessitated by the fuel emergency, which agreements can be analyzed and monitored by the Board to see that available capacity is operated under schedules that provide the most convenient service practicable under the circumstances, will best serve the public interest.

Based on the foregoing considerations, it is concluded that the agreement herein between Eastern and Pan American with respect to the Miami-San Juan/St. Thomas/St. Croix markets should be approved, subject to certain conditions. The service proposed in this agreement appears to reasonably satisfy the needs of the traveling public as well as to conserve the fuel supplies of the air carriers. Load factors during 1973 in the proposed agreement markets only exceeded 72 percent in June, and in the three months during which the agreement is to be effective, the forecast load factors range from 56–63 percent.[7] Thus, it seems that as a result of the implementation of this agreement, the traveling public will continue to receive a reasonable frequency of service and the carriers will be a step closer toward reaching their allocated fuel levels.[7a]

In response to the comments filed by DOJ, we note that these same arguments have been raised by DOJ and rejected by the Board in considering previously approved fuel savings capacity reduction agreements. Orders 74–1–41 (January 4, 1974) at pages 3–4; 74–1–21 (January 3, 1974) at page 3, note 10; 73–11–147 (November 30, 1973) at page 2; and 73–10–110 (October 31, 1973) at Appendix B, page 1. The additional argument made herein by DOJ, that the interval between the date of necessary flight reductions to meet the fuel allocation levels and the date of implementation of this agreement makes this agreement superfluous, is not convincing. While cuts in schedules would undoubtedly be made in response to the fuel allocation program, the concern of the Board, expressed many times, is with the necessity that such cuts be made in a rational manner.

As to Puerto Rico's comments, our analysis of the agreement's effect indicates that it will not have a detrimental impact of any sort on Puerto Rico, since the island will continue to be served by many flights per day, and the indications are that average load factors on those flights will not exceed even 70 percent. We will impose reporting requirements on approval of the agreement in order to monitor its actual effects. As to the alleged traffic depressant effect of capacity reduction agreements, this phenomenon has not been demonstrated at this time. Puerto Rico has an opportunity to present evidence of such a consequence, if it exists, in the "Capacity Reduction Agreement Case," Docket 22908, and the Board could thereafter take appropriate action. The gateway argument is not persuasive because all traffic in the agreement markets has been considered in the carriers' traffic forecasts. These forecasts similarly indicate that the agreement capacity will be more than adequate for the anticipated traffic in these markets during the term of the agreement. Finally, the suggested easing of the airlines' fuel problems can only be described as such in comparison to the more severe problems that were feared. There is little doubt that during the next several months, when this agreement will be effective, the supply of fuel available to the air carriers will be less than that on which they had planned.[7b]

With regard to the ALPA comments, we can only note that it has not presented any new information that would alter our conclusion on its comments as expressed in Orders 74–1–21 (cited above), at page 4 and note 14; 73–12–32 (cited above), at pages 2–6; 73–10–110

[5] See Orders 73–10–110 (October 31, 1973) and 73–12–32 (December 7, 1973).

[6] Citing Puerto Rico's brief in the "Mainland U.S.-Puerto Rico/Virgin Island Fares Case," Docket 24353.

[7] Compare, Order 73–11–50 (cited above) at page 4.

[7a] As we have noted previously, the Board will not tolerate the transfer of freed capacity to non-agreement markets. See Order 73–10–110.

[7b] See note 3, above.

(cited above), at page 7; and 73–7–147 (July 27, 1973), at page 14. The Board still finds that the extraordinary remedy of Board-imposed labor protective provisions is inappropriate in these circumstances.

Accordingly, it is ordered, That:

1. Agreement CAB 24108 be and it hereby is approved, subject to the following conditions:

(a) Jurisdiction shall be retained to modify, amend, or revoke approval at any time, or to take whatever other action may be appropriate in the public interest; [8]

(b) All schedule changes resulting from this agreement shall be reported to the Board within 7 days after the end of each month, in accordance with the format of Appendix A, hereto; [9] copies of such reports shall be provided to all carriers requesting them;

(c) Within 15 days after the end of each calendar month, each applicant shall submit to the Board's Docket Section 3 copies of a report in the form required by Order 72–4–63 (April 13, 1973), stating for each market affected by this agreement and for each flight flown therein (including extra sections) by flight number, departure time, and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to the report, each applicant shall report the number of times an aircraft being operated in these markets departed with 95 percent or more of its seats filled and the flight number and dates of such flights; [10]

(d) Within 28 days after the date of service of this order, Eastern and Pan American shall file with the Board's Docket Section a report containing the following additional data for each of the markets affected by this agreement:

a. Seats operated in 1972/1973 (November through April).
b. Passengers carried in 1972/1973.
c. Forecast passengers in 1973/1974.
d. Projected seats in 1973/1974.
e. Equipment type to be operated in each market.
f. Calculations used in developing fuel savings in these markets.
g. 1972 fuel use by month for the system of each carrier.
h. 1972 fuel use by month in these agreement markets.

2. Except to the extent granted herein, all other requests relating to this agreement be and they hereby are dismissed.

This order shall be served on the United States Departments of Defense, Justice, and Transportation, the United States Postal Service, the Commonwealth of Puerto Rico, the Air Line Pilots Association, International, and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[8] The language of section 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, that it finds to be adverse to the public interest or in violation of the Act.

[9] In addition, Eastern shall file with the Board's Docket Section a report stating, on a system-wide basis, average seat miles operated per gallon of fuel used, by type of equipment; and shall maintain records, subject to inspection by the Board or by such other persons as the Board may authorize, detailing the fuel used each month, throughout its system, on a city-pair and flight-by-flight basis (including charter operations). These requirements were previously imposed on Pan American in Order 74–1–34 (January 4, 1974), at note 13.

[10] For the purpose of the 95% reports, the applicants shall take into account both revenue and positive space non-revenue passengers. This report will enable the Board to monitor and analyze the carriers' load factors and schedules to insure that these markets are receiving a reasonable level of service.

APPENDIX A

	Type of Equipment				
	2-Engine	3-Engine narrow body	4-Engine narrow body	3-Engine wide body	4-Engine wide body
	AGREEMENT MARKET(S)				
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					
	NON-AGREEMENT MARKET(S)				
Miles scheduled weekly in preceding general schedule filed with CAB.					
Changes contained in this general schedule.					
Miles scheduled weekly in this general schedule.					

[FR Doc.74–3154 Filed 2–7–74;8:45 am]

[Docket No. 20300]

OLYMPIC AIRWAYS, S.A.

Notice of Enforcement Proceeding Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in this proceeding will be held on March 19, 1974, at 10 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Dated at Washington, D.C., February 4, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–3277 Filed 2–7–74;8:45 am]

[Docket No. 26350]

SITMAR CRUISES, INC.

Notice of Prehearing Conference and Hearing

In the matter of Sitmar Cruises, Inc., foreign air carrier permit; indirect foreign air transportation of persons and baggage.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 5, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 26, 1974.

Dated at Washington, D.C., February 4, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–3278 Filed 2–7–74;8:45 am]

COMMISSION ON CIVIL RIGHTS

INDIANA 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 Indiana State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. on February 9, 1974, at the Quality Motel, 1530 North Meridan Street, Indianapolis, Indiana 46202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) to determine the status of SAC projects and (2) to consider candidates for appointment to the Indiana SAC by the Commissioners.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74–3246 Filed 2–7–74;8:45 am]

NEW JERSEY 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 New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on February 11, 1974, in the Stevens Room, 15th Floor of the Robert Treat Hotel, 50 Park Place, Newark, New Jersey 07101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to further discuss plans for a proposed New Jersey SAC factfinding meeting on penal institutions scheduled for February 21–22, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-3245 Filed 2-7-74;8:45 am]

NEW YORK 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 New York State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on February 12, 1974, in Room 1639, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss followup activities to the New York SAC report on the construction industry.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-3244 Filed 2-7-74:8:45 am]

OREGON 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 factfinding meeting of the Oregon State Advisory Committee will convene at 9 a.m. on February 15, and reconvene at 9 a.m. on February 16, 1974, in the Autzen Senate Room, George Putnam University Center, Willamette University, Salem, Oregon 97301. These sessions shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of Oregon with special emphasis on the conditions in Oregon penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to Oregon penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin with respect to Oregon penal institutions; and to related areas.

A closed or executive SAC session to discuss matters which may tend to defame, degrade, or incriminate individuals will be held at 7 p.m. on February 14, 1974, at the International Marion Dunes Hotel, 200 Commercial Street, Southeast, Salem, Oregon 97301. Such sessions will not be open to the public.

A planning meeting of the Oregon State Advisory Committee will convene at 5 p.m. on February 11, 1974, in Room 324, Judge Deiz' District Chambers, Oregon District Court, Multnomah County Courthouse, Portland, Oregon 97204. Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012. The purpose of this meeting shall be to hold a final briefing session in preparation for the February 15–16 factfinding meeting on Oregon penal institutions.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-3248 Filed 2-7-74;8:45 am]

PENNSYLVANIA 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 Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. on February 13, 1974, in Room 1242, 6 Penn Center, 17 and Market Streets, Philadelphia, Pennsylvania 19104.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to review plans for a proposed meeting of the Pennsylvania SAC to discuss the proposed followup on the SAC's report on education and housing concerns of Puerto Ricans in Philadelphia.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-3247 Filed 2-7-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FIREWORKS

Notice of Meeting

The Consumer Product Safety Commission gives notice that a meeting on fireworks will be held Friday, February 15, 1974, at 10 a.m. in Room 216, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Md. Discussion will concern the scope of exemptions involving the use of perchlorates and chlorates in fireworks and the fusing of fireworks in connection with a proposed regulation governing fireworks.

On May 16, 1973, the Food and Drug Administration, Department of Health, Education, and Welfare, published a notice in the FEDERAL REGISTER (38 FR 12880) proposing to classify certain fireworks devices as banned hazardous substances under the Federal Hazardous Substances Act (sec. 2 (q) (1) (B), (2) 74 Stat. 374, as amended 80 Stat. 1304–1305; 15 U.S.C. 1261). The Consumer Product Safety Commission has assumed jurisdiction over the Federal Hazardous Substances Act by virtue of section 30(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079 (a)).

Attending the February 15 meeting will be CPSC staff from the Bureaus of Compliance and Biomedical Science and Dr. Henry Cheung of the International Research Association, Livermore, Calif. The Association represents the China National Produce and Animal By-Product Import and Export Corporation, Peking, China.

Any other parties who wish to attend should notify Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 496–7197.

Dated: February 5, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-3243 Filed 2-7-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19808, FCC 74-109]

TELERENT LEASING CORP. ET AL.

Memorandum Opinion and Order Concerning Declaratory Ruling

In the matter of Telerent Leasing Corporation, et al., petition for declaratory rulings on questions of Federal preemption on regulation of interconnection of subscriber-furnished equipment to the nationwide switched public telephone network.

1. By Memorandum Opinion and Order released on September 7, 1973 (FCC 73-901) we instituted this proceeding, pursuant to sections 4(i), 4(j), and 403 of the Communications Act and §§ 1.1 and 1.2 of our rules, to afford interested persons an opportunity to submit briefs and oral argument on the question of whether and to what extent the actions taken by the Commission on interconnection of customer-provided communications equipment to the nationwide switched public telephone network have pre-empted state action in this area. Our action was prompted by a petition for declaratory rulings filed on August 8, 1973 by North American Telephone Association (NATA), a trade association, and a number of its members in North Carolina and Nebraska, engaged in the manufacture, distribution, leasing, sale, installation and maintenance of communications terminal equipment and systems for connection with the switched telephone network. That petition, in turn, was occasioned by recent actions of the States of North Carolina and Nebraska.

2. On June 29, 1973 the North Carolina Utilities Commission gave notice of a proposed rule (R9-5) which would generally prohibit interconnection of customer-owned or customer-provided equipment to the communications system of any telephone company doing business in North Carolina. Under the proposed rule, any such telephone company could provide such interconnection for interstate services only over facilities distinct and separate from those used for intrastate services. By letter dated July 18, 1973 to the Nebraska Public Service Commission, the Attorney General of Nebraska rendered an advisory opinion that our Carterfone decision (13 FCC 2d 420; reconsideration denied, 14 FCC 2d 571 (1968)) did not prevent a telephone company from prohibiting interconnection of customer-provided equipment for intrastate use. He also advised, in effect, that a hotel or motel could not interconnect privately-owned communications equipment with a telephone company without certification as a common carrier by the Public Service Commission upon a finding that the telephone company in the area had refused or failed to provide adequate service.

3. In our Order of September 7 herein, we stated our opinion that "the above described advisory opinion of the Attorney General of the State of Nebraska and Rule R9-5 proposed by the North Carolina Utilities Commission have created uncertainty concerning whether and, if so, to what extent actions we have taken, and policies we have promulgated, in Carterfone and related cases with respect to interconnection of customer-provided communications equipment to the nationwide switched public telephone network have pre-empted State action in this area." Such actions and policies may be summarized briefly as follows:

CARTERFONE AND RELATED CASES

4. Our Carterfone decision (13 FCC 2d 420) involved a device used to interconnect mobile radio systems to the interstate and foreign message toll telephone system. We found that the Carterfone device filled a need, that its use did not adversely affect the telephone system, and that its use was nevertheless prohibited by provisions in an American Telephone and Telegraph Company (AT&T) tariff for interstate service. We held that the AT&T tariff was unreasonable and unlawful within the meaning of section 201(b) of the Communications Act in that it prohibited the use of interconnecting devices which do not adversely affect the telephone system. In so holding we relied on Hush-A-Phone Corp. v. U.S., 99 U.S. App. D.C. 190, 193, 238 F. 2d 266, 269 (D.C. Cir. 1956), holding that an AT&T tariff prohibition of a customer-supplied "foreign attachment" was an "unwarranted interference with the telephone subscriber's right reasonably to use his telephone in ways which are privately beneficial without being publicly detrimental." See also Hush-A-Phone Corp. et al. v. AT&T, 22 FCC 112 (1957). In Carterfone we did not prescribe the terms of a new tariff, but left that to the initiative of the telephone companies, pointing out that they were in no wise precluded from adopting reasonable standards to prevent harmful interconnection. In denying reconsideration, we recognized that the economic effects of interconnection upon the carriers' rate structure might well be a pertinent public interest question, but found no substantial showing in the record to demonstrate economic harm (14 FCC 2d 571, 572-573).

5. As a result of our Carterfone decision, AT&T filed new and revised tariffs, presently in effect, which permit the interconnection and use of customer-provided terminal devices or communications systems to the telephone message toll and exchange network subject to certain conditions. One such condition is that any network control signalling unit (NCSU) must be furnished, installed and maintained by the telephone company (except for certain military installations and remote or hazardous locations). In our decision permitting such tariffs to go into effect without formal investigation or hearing, we held that the tariff bar against any customer providing his own NCSU in connection with telephone company facilities was not in conflict with our Carterfone ruling, which dealt with interconnections and not replacements of any part of the telephone system. AT&T "Foreign Attachment" Tariff Revisions, 15 FCC 2d 605, 609-610 (1968) reconsideration denied, 18 FCC 2d 871, 872 (1969). Similarly, we have held that the present restrictions in the interstate tariffs for message toll telephone service (MTS) and wide area telephone service (WATS) against customers providing interconnection arrangements (CA's) for direct connection of customer-provided equipment (e.g., electrocardiograph, telephotograph and recording devices) to the telephone system also did not violate our Carterfone decision. See Interstate and Foreign MTS and WATS, 35 FCC 2d 539, 542.

6. In our decision permitting the AT&T tariff to go into effect, we instituted informal proceedings to obtain technical and operational data to assist our evaluation of the public interest factors involved in possible liberalizing revisions of NCSU and CA provisions of the tariffs for MTS and WATS (15 FCC 2d at 610-611, 18 FCC 2d at 872). We also contracted with the National Academy of Sciences (NAS) and Dittberner Associates to conduct technical studies on the question of whether such revisions are technically feasible in view of our concern that the telephone network be protected from harm. The reports submitted to us by NAS and Dittberner, and numerous comments from interested persons, indicated that consideration should be given to revisions in MTS and WATS offerings under a standards and enforcement program that would protect the telephone network from three types of harm: (a) protection from excessive voltage and signal levels, (b) improper network signalling and (c) line imbalance. Accordingly, we created two advisory committees, pursuant to Executive Order 11007, to study the possibilities of initiating such a standards program for certain selected classes of equipment, namely, customer-provided PBX's, automatic dialers and recording and answering devices. Interstate and Foreign MTS and WATS, 35 FCC 2d 539, 540 (1972).

7. On June 14, 1972, we instituted a formal proceeding (Docket No. 19528) to determine whether and with what terms, conditions or limitations the interstate MTS and WATS tariffs should be revised or the Commission should adopt rules to permit customers for switched telephone network services to have the option of providing their own NCSU and CA in lieu of those now provided by the telephone companies. We convened a Federal-State Joint Board pursuant to section 410(c) of the Communications Act to submit recommendations to us in this matter, stating (Interstate and Foreign MTS and WATS, 35 FCC 2d at 541):

> We believe that special procedures are required for the reason that any action that we might take herein to provide the optional MTS or WATS services as heretofore described would appear to require, as a practical matter, that complementary changes be made in the offerings of local telephone exchange and intrastate toll services. For example, if this Commission should decide that, insofar as interstate or foreign MTS and WATS are concerned, the telephone companies should allow customers the option

of providing their own network control signalling units for those provided by the telephone companies, implementation of such a decision would require, as a practical matter, that the same options are also available in connection with local exchange and intrastate MTS and WATS. This is because almost all such units are used in common for both interstate and local and intrastate communications. Accordingly, we believe that we should not undertake the final resolution of the issues herein without the closest coordination and cooperation between this Commission and state regulatory agencies which have regulatory responsibility for local and intrastate communications services. Therefore, we shall refer these proceedings to a Federal-State Joint Board pursuant to section 410(c) of the Act.

8. We also made clear that the Joint Board proceeding does not look toward any modification of our Carterfone holding, but rather is to determine whether there is a public need to go beyond what we ordered in Carterfone, stating (35 FCC 2d at 542):

> We believe that the soundness of our Carterfone decision has been amply demonstrated. New markets have been opened to the innovative enterprise of many companies; the public has benefitted from having a wide range of choices available when the individual user selects the terminal device or private system which will best serve his particular communications need; and there has been no actual demonstrable harm to the telephone system or its users. Accordingly, this proceeding will not be concerned with any question relating to whether or not modifications should be made in that decision or in any of the provisions in the interstate MTS and WATS tariff provisions filed in compliance therewith. Our proceeding herein is concerned with the pending and unresolved basic issues now before us as to whether, and to what extent, there is a public need to go beyond what we ordered in Carterfone and permit customers to provide, in whole or in part, the aforementioned NCSU's and CA's in interstate MTS and WATS and, if so, what terms and conditions should apply to protect the telephone system and services of others.

Positions of the Parties

9. Pursuant to our Order of September 7, 1973 herein, interested persons filed comments on October 1 and reply comments on October 23, 1973. Oral argument before the Commission en banc was held on October 30, 1973.[1] The positions of various parties may be summarized briefly as follows:

Petitioners NATA et al. and Those Supporting Their Position

10. Petitioners NATA et al. claim that the North Carolina proposed Rule R9–5 and the Nebraska advisory ruling (supra, paragraph 2), are in conflict with Carterfone and present a threat to the federally declared right of telephone users to provide their own interstate interconnection devices. Because there is no interstate message toll service offered except over equipment used for both interstate and intrastate service, a state prohibition against interconnection would require carriers providing interstate service in the state to take action contrary to existing interstate tariffs, in violation of the Communications Act and federal law. Moreover, the lack of separate intrastate and interstate telephone facilities dictates that Commission regulation in this area must be exclusive in order to ensure uniform treatment of all customers nationwide. A Commission ruling now on the basic issue of jurisdiction is appropriate and desirable to remove the uncertainty created by the North Carolina and Nebraska actions—an uncertainty which questions the integrity of Carterfone and the pending Federal-State Joint Board proceeding (Docket No. 19528) and which has caused a decline in the market for interconnect equipment in North Carolina and Nebraska. Petitioners request the Commission to reaffirm Carterfone and the right of users to interconnect communications equipment and systems in accordance with applicable interstate tariffs, to declare federal superintendence in the area of interstate interconnection, and to make more explicit its preemption of such interconnection matters from inconsistent and burdensome state regulations and actions.

11. The views of the petitioners are supported by other manufacturers of interconnect equipment,[1a] users of customer-provided terminal equipment and their representatives,[2] various specialized common carriers,[3] and the Department of Justice. They urge that the Commission has comprehensive jurisdiction over interstate and foreign communications under sections 1, 2(a), 3(a) and (b), 201–205, and 410(c) of the Communications Act,[4] including jurisdiction to regulate interconnection of customer-provided equipment with common carrier facilities capable of interstate service even though the facilities are used also for intrastate service.[5] The Commission's decision in Carterfone and the interstate tariffs filed pursuant thereto establish the existence of a definitive and positive federal policy on interconnection which preempts this area from conflicting state regulation.[6] Indeed, Congress recently recognized the Commission's inherent pre-emptive authority over interstate/intrastate facilities when it amended section 410 of the Act to require that a Federal-State Joint Board be consulted in separation matters and to permit a Joint Board to consider other common carrier matters of joint interest. The Senate Report on this amendment, noting that common plant facilities are used for interstate and intrastate telephone calls, stated that in assigning the cost of this plant for rate making purposes "the Federal Government preempts the States in the area of Federal jurisdiction." (S. Rept. No. 92–303, 92 Cong., 1st Sess. (1971).) The Department of Justice asks the Commission to make clear that all carriers are and will remain subject to all FCC rulings and tariffs pertaining to interconnection regardless of any purported state rulings to the contrary and would be liable under Federal law for failure to abide by FCC rulings and tariffs.

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[1] The "Motion to Correct Transcript of Oral Argument", filed by the National Association of Regulatory Utility Commissioners, is hereby granted, as well as that filed by Southern Pacific.

[1a] E.g., Computer and Business Equipment Manufacturers Association; General Electric Company; Electronic Industries Association; Ericsson Centrum, Inc.; Phone-Mate, Inc.; International Business Machines Corp.; Independent Data Communications Manufacturing Association; International Telephone and Telegraph Corp.

[2] E.g., Aeronautical Radio, Inc. and Air Transport Association of America; American Petroleum Institute; Computer Timesharing Services Section; Utilities Telecommunications Council; Association of American Railroads; National Retail Merchants Association, Inc.

[3] E.g., Microwave Communications, Inc. and MCI Telecommunications Corp.; Data Transmission Company; Southern Pacific Communications Company; N–Triple–C, Inc.

[4] In support of the Commission's comprehensive authority over interstate communications, Justice and other parties cite: General Telephone Co. of California v. FCC, 413 F. 2d 390, 398 D.C. Cir. (1969), cert. den. 396 U.S. 888; United States v. Midwest Video Corp., 406 U.S. 649, 659–70 (1972); United States v. Southwestern Cable Co., 392 U.S. 157 (1968); General Telephone Co. of Southwest v. United States, 449 F. 2d 846, 853–55 (5th Cir. 1971); Ivy Broadcasting Co. v. AT&T, 391 F. 2d 486 (2d Cir. 1968); United States v. AT&T, 57 F. Supp. 451, 454 (S.D. N.Y. 1944), affirmed sub nom Hotel Astor Inc. v. U.S., 325 U.S. 837 (1945); Ambassador, Inc. v. United States, 325 U.S. 317, 323 (1945).

[5] In support of FCC jurisdiction over equipment used for interstate communication, even though also used for intrastate, parties cite: AT&T—Railroad Interconnections, 32 FCC 337, 339 (1962); Fallon Travelodge v. Churchill County Telephone and Telegraph System, 14 FCC 2d 972 (1968); Use of Recording Devices, 11 FCC 1033, 1047 (1947); Jordaphone Corp. of America v. AT&T, 18 FCC 644 (1954); Hush-A-Phone Corp v. AT&T, FCC 55–1242 (1955) 22 FCC 112, 113 (1957); U.S. Department of Defense v. General Telephone Co., 38 FCC 2d 803, 807–814 (1973), aff'd FCC 73–854; AT&T—TWX, 38 FCC 1127, 1133 (1965); Katz v. AT&T, 8 RR 919 (1953); Colorado v. United States, 271 U.S. 153 (1926); GTE Service Corp. v. FCC, 474 F. 2d 724, 736 (2d Cir., 1973); Chastain v. AT&T, FCC 73–791 (1973).

[6] For the proposition that the FCC's exercise of jurisdiction pre-empts conflicting or inconsistent state regulation, the parties cite, inter alia: Houston, East/West & Texas Ry. v. United States, 234 U.S. 342 (1914)—the "Shreveport Rate Cases"; Southern Ry. Co. v. Reid, 222 U.S. 424 (1912); Southern Pacific Co. v. Arizona, 325 U.S. 761 (1945); Bibb v. Navajo Freight Lines, 359 U.S. 520 (1959); Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 142 (1963); Head v. New Mexico Board, 374 U.S. 424, 430 (1963); Hines v. Davidowitz, 312 U.S. 52, 67 (1941); United States v. New York Central R.R., 272 U.S. 457, 463–464 (1926); Farmers Educ. & Cooperative Union v. WDAY, Inc., 360 U.S. 525, 531–35 (1959); Radio Station WOW, Inc. v. Johnson, 326 U.S. 120, 130–32 (1945); Burbank v. Lockheed Air Terminal, Inc. 411 U.S. 624 (1973); Rice v. Chicago Bd. of Trade, 311 U.S. 247, 253–254 (1947); Northern States Power Co. v. Minnesota, 447 F. 2d 1143 (8th Cir. 1971), aff'd, 405 U.S. 1035 (1972); Smith v. Illinois Bell Tel. Co., 282 U.S. 133, 148–149 (1930); Castle v. Hayes Freight Lines, Inc., 348 U.S. 61 (1954); Carter v. AT&T, 250 F. Supp. 188 (D.C. Tex. 1966); FPC v. Transcontinental Gas Pipeline Corp., 365 U.S. 1, 19 (1961); FPC v. Louisiana Power and Light Co. et al., 406 U.S. 621 (1972).

STATE REGULATORY INTERESTS

12. The North Carolina Utilities Commission (NCUC) urges that sections 2(b) and 221(b) of the Communications Act reserve to the states the right to regulate intrastate telephone exchange service even where a portion of such service consists of interstate or foreign communication. The rulemaking proceeding presently pending before the NCUC involves an investigation into the effect of subscriber-provided equipment upon intrastate service and its economic effect upon the telephone using and consuming public. The NCUC has not reached any decision with regard to interconnection; publication of the proposed rule was only to establish the scope of the proceeding. There is no actual controversy yet, and it would be premature and beyond the Commission's statutory authority under the Administrative Procedure Act (5 U.S.C. 554 (e)) to issue a declaratory order. Further, the Federal Communications Commission is not an appropriate forum to determine conflicts between a state and federal statute.[7] Moreover, since the regulation of interconnect equipment falls within the categories of communications that Congress excluded from federal control under section 2(b) of the Communications Act, the FCC cannot claim preemption of the field through its statutory grant of authority. Carterfone did not open the door to indiscriminate installation of interconnect equipment and does not foreclose state action on interconnect equipment where it is shown to have an adverse effect on the telephone network.

13. Similar views were expressed by the National Association of Regulatory Utility Commissioners (NARUC) and various State commissions.[8] They urge that the actions complained of by petitioners relate solely to intrastate telephone communications services, and therefore are beyond the jurisdiction delegated to the FCC by the Communications Act.[9] In claiming that Congress vested in the State Commissions exclusive jurisdiction over intrastate telephone service, including interconnection with respect to intrastate telephone communication, they rely on sections 2(b) and 221 (b) of the Communications Act and the legislative history. See S. Rep. No. 781, 73d Cong., 2d Sess., p. 3 (1934) noting that the Act "reserves to the States exclusive jurisdiction over intrastate telephone and telegraph communication"; and remarks of Senator Dill, especially at 78 Cong. Rec. 8823 (1934), stating:

> Now, taking up the bill, title I, containing the general provisions of the bill, creates a commission for the regulation of all radio and telephone and telegraph communications. We have attempted in title I to reserve to the State commissions the control of intrastate telephone traffic. We have kept in mind the fact that the Interstate Commerce Commission, through the Shreveport decision and the decisions in other similar cases, has gone so far in the regulation of railroads that the so-called "State Regulation" amounts to very little.
>
> We have attempted, in this proposed legislation, to safeguard State regulation by certain provisions to the effect that where existing intrastate telephone business is being regulated by a State commission, the provisions of the bill shall not apply.

NARUC further asserts that the petition is an impermissible collateral attack on State administrative processes and should be dismissed.[10] And, finally NARUC takes the position that the relief requested by petitioners cannot be granted in a summary proceeding and should be considered by the Federal-State Joint Board in Docket No. 19528. NARUC states that "it cannot be doubted that the widespread commonality of use of terminal equipment and systems for both interstate and intrastate communications makes Federal-State cooperation on interconnection matters more appropriate than Federal-State confrontation."

14. Two States take a somewhat different position. The Public Service Commission of the State of New York states that a limited declaratory ruling may be warranted on the basis of the facts alleged in this proceeding to avoid potential conflicts based on the common use of inter- and intrastate facilities by customer-owned attachments. However, in issuing such a ruling the Commission should recognize that the jurisdiction of the several States over intrastate communications encompasses a regulatory responsibility for customer-owned equipment and that it would be inconsistent with the public interest to pre-empt the role of the several States in this area. The Public Service Commission of the State of California urges that the FCC has not yet acted to pre-empt State action on interconnection and should not do so now. If the States are left free to develop their policies individually until such time as a comprehensive interconnection program is instituted, a State commission may develop a more reasonable, practical and workable interconnection program as compared to those requirements presently in the interstate tariffs. The California Commission has recently initiated a proceeding to develop regulations designed to provide for independent testing and certification of equipment for interconnection with the telephone network, and should be free to proceed until a comprehensive federal program is instituted.

TELEPHONE COMPANIES

15. Bell System Companies (AT&T), various independent telephone companies,[12] and the United States Independent Telephone Association express views similar to those of NCUC and NARUC on the question of jurisdiction. They urge that Congress has specifically reserved to the States the exclusive authority to regulate intrastate and telephone exchange communication services,[13] and has conferred on this Commission something less than the full authority it was within the powers of Congress to grant.[14] AT&T further asserts that the past practice of the States in regulating telephone companies in general and interconnection in particular, as well as the local nature of the connections in question (since about 97 percent of telephone messages are intrastate), bar federal pre-emption.[15] The Commission's decisions in Carterfone and related cases have not pre-empted State action in this area, regardless of what was meant by the Commission, and the Commission should now defer to the judgment of the State regulatory agencies. Indeed, in Jordaphone, 18 FCC 644, 670–671 (1954), the Commission exer-

[7] NCUC cites: Arkansas Power & Light Co. v. FPC, 156 F. 2d 821, 833 (D.C. Cir. 1946); Harvey Aluminum, Inc. v. NLRB, 335 F. 2d 749, 754 (1964).

[8] E.g., Missouri Public Service Commission, Georgia Public Service Commission, Public Utilities Commission of Ohio, Maryland Public Service Commission, Michigan Public Service Commission, Oregon Public Utility Commissioner, Washington Utilities and Transportation Commission, Public Service Commission of Wyoming, Alabama Public Service Commission, Tennessee Public Service Commission.

[9] They cite: Southern Pacific Co. v. Arizona, 325 U.S. 761, 769 (1945); Parker v. Brown, 317 U.S. 341, 359–360 (1943); Rice v. Board of Trade of City of Chicago, 331 U.S. 247, 254 (1947); Panhandle Eastern Pipeline Co. v. Public Service Commission of Indiana, 332 U.S. 507, 517–519 (1947).

[10] Citing Public Service Commission of Utah v. Wycoff Co., 344 U.S. 237, 243, 245–247 (1952) Allegheny Airlines, Inc. v. Pennsylvania Public Utility Commission, 465 F. 2d 237 (3rd Cir. 1972), cert. den. —— U.S. —— 35 L. Ed. 2d 609 (1973); Public Utilities of the State of California v. United Air Lines, Inc., 346 U.S. 402 (1953); Alabama Public Service Commission v. Southern Railway Company, 341 U.S. 341 (1951).

[12] GTE Service Corporation on behalf of its affiliated telephone companies; United Telecommunications, Inc. on behalf of Carolina Telephone and Telegraph Company and United Telephone Company of the Carolinas, Inc.; and Continental Telephone Corporation.

[13] In addition to relying on sections 2(b) and 221(b) of the Communications Act and the legislative history cited by NARUC, AT&T refers to: H.R. Rep. No. 1850, 73d Cong., 2d Sess. 7 (1934); 78 Cong. Rec. 10314 and 10316 (1934); Hearings on H.R. 8301 Before the House Committee on Interstate and Foreign Commerce, 73d Cong., 2d Sess. 135–136 (1934); Hearings on S. 2910 Before the Senate Committee on Interstate Commerce, 73d Cong., 2d Sess. 8, 153 (1934); H.R. Rep. No. 910, 83d Cong., 1st Sess. 1 (1953); Statement of the Senate Committee on Interstate and Foreign Commerce, S. Rep. No. 1090, 83d Cong., 2d Sess. 1–2 (1954).

[14] By way of support AT&T cites: Sterling Manhattan Cable Television, Inc. v. New York Tel. Co., 38 FCC 2d 1149, 1156 (1973); Doniphan Tel. Co. v. AT&T et al., 34 FCC 950, aff'd 34 FCC 949 (1963); Southwestern Bell Tel. Co. v. United States, 45 F. Supp. 403, 406 (W.D. No. 1942); Kitchen v. FCC, 464 F. 2d 801 (D.C. Cir. 1972).

[15] AT&T cites principally: Head v. New Mexico Board, 374 U.S. 424 (1963); Rice v. Chicago Board of Trade, 331 U.S. 247 (1947); FTC v. Bunte Bros., 312 U.S. 349 (1941); Palmer v. Massachusetts, 308 U.S. 79 (1939); Southwestern Bell, supra, 45 F. Supp. at 406; California v. Zook, 336 U.S. 725 (1949); Penn Dairies v. Milk Control Comm'n, 318 U.S. 261 (1943); Panhandle Eastern Pipe Line Co. v. Michigan Public Service Commission, 341 U.S. 329 (1951); Maurer v. Hamilton, 309 U.S. 598 (1940).

cised its asserted jurisdiction in a way to support, not supplant, State jurisdiction. Moreover, it would not be appropriate for the Commission to issue a declaratory ruling since the North Carolina Rule R9–5 is only a proposed rule, and the advisory opinion of the Nebraska Attorney General is not a definitive determination of State law.[16]

REPLY COMMENTS

16. The reply comments of the parties largely reiterate and expand on the views set forth in the comments. A few new points warrant brief mention.

17. The Department of Justice and others note that NARUC and AT&T, in quoting from Senator Dill's remarks on Shreveport during the debate on the 1934 Act, did not set forth the next two sentences of Senator Dill, as follows (78 Cong. Rec. 8823 (May 15, 1934)):

> We have in mind, for instance, cases where a city has telephone service connecting into a number of States, such as we have right here in Washington, running out into Maryland and out into Virginia, and in New York the service runs into New Jersey, and I think perhaps into Connecticut, though I am not sure about that. There are many cases in the country where, without some saving clause of that kind, the State Commissions might be deprived of their power to regulate; and the State commission representatives were jealous, the preparation of this bill, that those rights should be protected; and we have attempted to do that.

They maintain that Senator Dill was concerned with the preservation of traditional state jurisdiction over local rates and service, not with the provision of equipment to be used in conjunction with both intrastate and interstate service. Moreover, the legislative history demonstrates that, whatever else Congress may have intended to preserve in the way of state jurisdiction, Congress specifically placed upon local telephone companies the duty of complying with Sections 201–205 of the communications Act—the sections pursuant to which the Hush-A-Phone and Carterfone decisions were rendered.[17] The legislative history also evidences a concern with effective national regulation.[18]

18. The Department of Justice appends statements by representatives of the General Services Administration and the Federal Aviation Administration, which describe how any prohibition against interconnection of customer-provided equipment would impede present and projected communications programs of the U.S. Government. NATA, CBEMA, and others urge that there is no prematurity precluding a Commission declaratory ruling to remove an uncertainty that presently threatens the affected industries, the public's use of interstate communications facilities, the fundamental integrity of the Commission's processes, and the ability of the Commission to discharge its statutory responsibilities in the future. It is further asserted that the power Congress conferred upon the Commission to regulate the use of telephone equipment employed in the provision of interstate communication is not restricted by sections 2(b) and 221(b), and that the breadth of the Shreveport doctrine is unnecessary to sustain FCC jurisdiction over customer-supplied equipment used for interstate purposes.[19]

19. NCUC asserts that Carterfone has no effect on the North Carolina proposed rulemaking procedure because it deals only with attachments to the existing system, whereas North Carolina's main concern is with replacements or substitutions of utility company furnished equipment. Moreover, Carterfone only requires that adverse effect to the system be established in order to prohibit interconnect devices and no action prohibiting customer-provided equipment would be taken by NCUC unless adverse effect was established by the evidence. Further, NCUC contends it is not proposing the creation of two separate systems for intrastate and interstate telephone service—which is not feasible or desirable. By the reference in proposed Rule R9–5 that interstate service was exempt, NCUC was primarily making a jurisdictional declaration. However, there are some totally interstate facilities (e.g., CATV lines, TV and radio circuits, dedicated private lines, signaling lines) which NCUC has no interest in reaching.

20. NARUC, AT&T and others assert that the Shreveport line of cases cited by proponents of the petition has no applicability to the instant situation in view of the legislative history of section 2(b) and the deliberate refusal of Congress to grant the FCC pre-emptive powers of the type sanctioned by Shreveport. They further urge that section 410(c) was designed to make the Federal-State Board procedure practicable and did not in any way substantively limit the States' authority under pre-existing law. AT&T asserts that in most Commission decisions relied on by the proponents of pre-emption, the Commission limited its determination to interstate and foreign service and avoided any claim of general power to pre-empt State regulation of intrastate communications.[20]

DISCUSSION AND CONCLUSIONS

21. Before addressing the specific legal and jurisdictional issues involved in this proceeding, we first take note of the questions raised as to the appropriateness of a declaratory ruling by the Commission designed to clarify the jurisdictional scope and effect of our Carterfone ruling and the tariffs filed in implementation thereof. In this regard, we are not obliged to, nor do we deem it appropriate to, await some definitive action by a State or a carrier which creates a conflict between Federal and State regulation having the ingredients of a conventional "case or controversy" before issuing such a ruling. As an administrative agency we are vested by statute with broad and discretionary powers to devise and use procedures, such as the issuance of declaratory judgments, as may be reasonably appropriate to discharge our statutory responsibilities with respect to effective regulation of interstate and foreign communication, including the clarification of the scope and effect of rulings issued by us in the performance of those responsibilities. (See F.C.C. v. Pottsville Broadcasting Co. 309 U.S. 134, 142–43 (1940); Section 4(j) of the Communications Act; NBC v. U.S., 319 U.S. 190, 219 (1943); GTE Service Corp. v. F.C.C., 474 F. 2d 724 (C.A. 2, 1973); Philadelphia Television Broadcasting Co. v. F.C.C., 258 F. 2d 282 (C.A.D.C. 1964)).

22. We believe that it is particularly appropriate in the instant case to take action by way of a declaratory judgment in order to remove or alleviate the uncertainty and confusion that has been created with respect to the application and effects of our Carterfone ruling by the NCUC proposed Rule R9–5 and the advisory opinion of the Attorney General of Nebraska. We believe that it would be contrary to the public interest to await the formal adoption and implementation of those State actions before dealing with the conflicts and confusion that such threatened actions have already generated. The course being pursued by NCUC and the Attorney General of Nebraska, and possibly by other States,[20a] is a source of great controversy and confusion for manufacturers and users of customer-provided communications equipment and also casts doubt on the continuing efficacy, application and effects of Carterfone and the effective tariffs on file with this Commission in implementation of Carterfone. We would be remiss in the discharge of our broad statutory responsibilities to remain pas-

[16] In arguing that the FCC has not preempted the field, other telephone company interests rely on the following in addition to cases cited by AT&T: Panhandle Pipe Line Co. v. Comm., 332 U.S. 507, 513 (1947); Huron Portland Cement Co. v. City of Detroit, 362 U.S. 440; Florida Avocado Growers v. Paul, 373 U.S. 132, 142 (1963); Farmers Union v. WDAY, Inc., 360 U.S. 525 (1959); TV Pix v. Taylor, 304 F. Supp. 459 (D. Nev. 1968), aff'd per curiam, 396 U.S. 556 (1970); Chrysler Corp. v. Tofany, 419 F. 2d 499 (2d Cir. 1969); Swift & Co. v. Wickham, 364 F. 2d 241 (2d Cir. 1966), cert. den. 385 U.S. 1036; Colorado Anti-Discrimination Comm. v. Continental Airlines, 372 U.S. 714, 724 (1963); Parker v. Brown, 317 U.S. 343, 353 (1943).

[17] Citing: H.R. Rep. No. 1850, 73rd Cong., 2d Sess. 2 (1934); 78 Cong. Rec. 10313 (1934) Remarks of Cong. Rayburn); 78 Cong. Rec. 8846–7 (1934).

[18] Citing, S. Rep. No. 781, 73rd Cong., 2d Sess. 2 (1934); H.R. Rep. No. 1850, 73rd Cong., 2d Sess. 3 (1934); 78 Cong. Rec. 10316–17 (1934).

[19] Common Carrier Tariffs for CATV Systems, 4 FCC 2d 257, 260 (1966).

[20] Citing, e.g.: Use of Recording Devices, 11 FCC 1033, 1037, 1054 (1947); Jordaphone Corp., 18 FCC 644, 670–671 (1954); AT&T–TWX, 38 FCC 1127, 1132–34 (1965); DOD v. General Telephone Co., 38 FCC 2d 803, 813–814 (Review Board 1973), review den., FCC 73–854 (Aug. 8, 1973).

[20a] We discuss in paragraphs 54–56 the recent actions by the Oklahoma Corporation Commission.

sive in the face of the policy and regulatory confusion which permeates the entire field of interconnection as a result of these State actions.

23. Concerning the recommendation that these matters be referred to the Federal-State Joint Board that we have created pursuant to section 410 of the Communications Act, we do not believe the Joint Board to be an appropriate forum for the resolution of the jurisdictional issue raised by the North Carolina and Nebraska actions. The Joint Board is an appropriate vehicle for the consideration of technical and economic aspects of the interconnection policies and tariffs. It is not a proper or appropriate vehicle for determining the statutory jurisdiction of this Commission and the legal effects of policies promulgated by us in furtherance of our statutory responsibilities.

24. We turn now to the merits of the questions concerning the extent to which our Carterfone ruling and the implementing interstate tariffs have preempted and foreclosed conflicting or inconsistent actions by the States or the carriers in the interconnect area.

25. Those parties who argue that Carterfone has preemptive effect upon State action rely, in essence, upon those provisions of the Communications Act which give the Commission comprehensive and pervasive powers and responsibilities with respect to the regulation of interstate and foreign communication and common carriers engaged in the furnishing of such communication. Those parties who argue that the Carterfone ruling has no preemptive effects rely upon certain provisions of the Communications Act, notably sections 2(b) and 221(b), which place certain limitations upon the Commission's jurisdiction. A realistic evaluation of the merits of these arguments, in light of the statutory scheme of the Communications Act, requires at the outset that we take account of the nature of the telephone system and telephone service to which such statutory scheme of regulation applies.

26. It is undisputed that we are dealing with a nationwide network of interconnected telephone exchanges. These exchanges provide the single means by which telephone subscribers have access to the telephone system for making or receiving local telephone calls within an exchange area, intrastate calls to or from subscribers served by other exchanges in the same state, and interstate or foreign calls to or from subscribers served by exchanges in other states or foreign countries. In other words, exchange plant, particularly subscriber stations and lines, is used in common and indivisibly for all local and long distance telephone calls. There is no interstate message toll telephone service either offered or practically possible except over exchange plant used for both intrastate and interstate and foreign service.

27. That the Commission has plenary and comprehensive regulatory jurisdiction over interstate and foreign communications services and facilities of common carriers and all of the terms and conditions upon which such services and facilities are offered to the public is evident from the provisions of the Communications Act. It appears equally evident from those provisions that in those instances where the rendition of interstate and foreign service is dependent upon plant facilities which are also used for exchange or other intrastate services, the Federal role must be controlling. These conclusions follow from a consideration of the express purposes sought to be achieved by the Congress and the specifics of the statutory scheme formulated by the Congress to accomplish those purposes.

28. Congressional purposes are clearly indicated in the first paragraph of the Communications Act of 1934 wherein it is stated that the Commission was created for "the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" (section 1). The intent is further stated in the next section which provides that the Communications Act shall "apply to all interstate and foreign communication by wire or radio * * * and to all persons engaged within the United States in such communications * * *" (section 2(a)). In the third section it is made clear that the Commission's authority over interstate communication by wire or radio covers not only the "transmission" of messages but also "all instrumentalities, facilities, apparatus and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission" (section 3 (a) and (b)). Sections 201 and 202 outlaw unjust, unreasonable and discriminatory practices by any common carrier in connection with its furnishing of interstate and foreign communication. The Act also requires the common carrier to file with this Commission "schedules showing all charges for itself and its connecting carriers for interstate or foreign wire or radio communication * * * and showing the classifications, practices, and regulations affecting such charges" (section 203(a)). No carrier "shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act * * * and no carrier shall * * * extend to any person any privilege or facilities, in such communication, * * * except as specified in such schedule" (section 203(e)). The Commission is empowered to conduct hearings concerning the lawfulness of any new or existing charge, classification, regulation or practice of a common carrier (section 204) and to prescribe just and reasonable ones (section 205). For purposes of these sections of the Act (sections 201–205), Congress explicitly granted this Commission jurisdiction over all common carriers engaged in interstate or foreign communications, including "connecting carriers" who are exempt from certain provisions of the Act other than sections 201 through 205 [21] and 301.

29. Other provisions of the Communications Act vest the Commission with a wide range of powers to facilitate implementation of the substantive requirements and proscriptions of sections 201 to 205. What is particularly noteworthy here is that in apparent recognition of the indivisible character of carrier plant and operations these other provisions make no distinction in terms of their application between the intrastate and interstate services, operations and activities of a carrier. Thus, section 219 empowers the Commission to prescribe the form and content of the annual and monthly reports to be filed by carriers with respect to all aspects of their business and operations. Section 220 empowers the Commission to prescribe the form of any and all accounts and records to be kept by the carriers, as well as the depreciation charges to be entered by the carriers in their accounts. Sections 221 (c) and (d) of the Act give the Commission authority to classify the property of carriers and to determine what property shall be considered as used in interstate and foreign toll service. After making such classification, the Commission may in its discretion value only that part of the property of the carrier determined to be used in interstate and foreign telephone toll service. Here again, the Act makes clear the primacy of Federal jurisdiction with respect to property clearly used to provide interstate and intrastate services and facilities. Finally, in keeping with the all-embracing scheme of the Communications Act that the Commission should regulate interstate and foreign communication "so as to make available a rapid, efficient Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" (section 1), the provisions of section 218 direct the Commission to keep itself informed as to the manner and method in which the business and management of the carriers are conducted and as to technical developments and improvements in wire and radio communication to the end that the benefits of new inventions and developments may be made available to the people of the United States.

30. Acting within the general context of the provisions of the Communications Act and section 201(b) in particular, the Commission in Carterfone declared un-

[21] "Connecting carriers" engage in interstate and foreign service only through physical connection of their facilities with the facilities of other carriers with which they have no direct or indirect corporate or other affiliation. Connecting carriers are nevertheless expressly subject to the substantive requirements of sections 201 through 205 of the Act, except they are relieved of the tariff filing requirements of section 203. However, their participation in interstate and foreign services is governed by the same terms and conditions of the tariff schedules filed with the Commission by the carriers with which they connect. (See sections 3(u) and 2(b) of the Act.)

lawful the prohibition in AT&T's interstate tariffs against the use of all customer-owned equipment and ordered AT&T to file appropriate revisions to its interstate tariffs which would remove this "unwarranted interference with the telephone subscriber's right to use his telephone in ways which are privately beneficial without being publicly detrimental." In response to this ruling, AT&T filed the revised tariffs which are now effective and which the Commission accepted as being consistent with the Carterfone ruling. AT&T "Foreign Attachment" Tariff Revision, 15 FCC 2d 605 (1968).

31. Because Carterfone and the implementing tariffs operate upon the terms and conditions under which subscriber-owned equipment may be inter-connected to the telephone network, and because that network is used in common for intrastate and interstate services, AT&T recognized that uniform interconnection practices must apply to both services. Hence, the Bell System companies promptly filed conforming revisions to their "foreign attachment" tariffs on file with the several State commissions applicable to intrastate services. No carrier, State commission or other party pursued judicial review of the Commission's Carterfone ruling or challenged the jurisdiction of the Commission to make that ruling or to accept the tariffs filed in response thereto.

32. The proponents of the North Carolina proposed rule, relying principally upon sections 2(b) and 221(b) of the Communications Act contend, variously, that Congress reserved to the States the exclusive right to regulate exchange and other intrastate services including the use of customer-owned equipment in connection with such services; that this asserted exclusive right bars any preemptive effect of Federal action in matters of customer interconnection; and that the States are not barred from taking action concerning customer interconnection even though such action may derogate or conflict with the Federal ruling.[21a] The proponents of this position are less than clear as to the practical effects upon telephone service resulting from conflicting Federal and State rulings except to suggest that separate facilities could be provided for interstate and intrastate services or that the Commission should simply defer to the State commissions as to the appropriate rule.

33. It is our conclusion that this construction of sections 2(b) and 221(b) is erroneous for the following reasons:

34. First, as we discussed at the outset, the Commission's powers to regulate interstate and foreign communications services are comprehensive and pervasive and embrace the terms and conditions under which customers shall be reasonably permitted to use their own equipment in connection with such services. The provisions of sections 2(b) and 221(b) are to be construed in light of this overall statutory scheme. For, the "Communications Act must be read as a whole and with appreciation of the responsibilities of the body charged with its fair and efficient operation" (United States v. Storer Broadcasting Company, 351 U.S. 192, 203 (1956)). As the Court of Appeals for the District of Coulmbia Circuit recognized in General Telephone Co. of California v. F.C.C. (413 F. 2d 390), the Act "must be construed in light of the needs for for comprehensive regulation and the practical difficulties inhering in state by state regulation of parts of an organic whole" (413 F. 2d at 398). For, "fifty states and myriad local authorities cannot effectively deal with bits and pieces of what is really a unified system of communication" (id, at 401).

35. Second, because of the commonality of telephone company plant and facilities used to provide intrastate and interstate services and the indivisibility of such plant and facilities, rules governing interconnection of customer-owned equipment must be the same for interstate and intrastate services. Here it is to be stressed that customer-owned equipment which is now available and in demand is either incapable of distinguishing in its use and operation between intrastate and interstate calls, or where such capability technically exists, it would make no sense from an economic or operational standpoint for the customer to arbitrarily confine its use to interstate service.

36. Third, this Commission has repeatedly exercised jurisdiction over facilities and instrumentalities used in interstate communication despite the circumstance that such facilities are used also to provide intrastate service. See AT&T–TWX, 38 FCC 1127 (1965); DOD v. General Telephone Co., 38 FCC 2d 803, 807–812 (Review Board 1973), aff'd FCC 73–854 (1973); and the precedents cited in these two cases.

In an early Commission case, Use of Recording Devices, 11 FCC 1033 (1947), we rejected arguments of the carriers that, under section 2(b)(1) and 221(b) of the Act, "the jurisdiction of the Commission to make an order regulating the use of recorders is limited to use in connection with facilities which are exclusively interstate" (11 FCC at 1046) and stated that this argument ignored

> * * * the basic grant of jurisdiction to this Commission over interstate and foreign communications by wire or radio (see Communications Act, see 1 and 2(a)) and it pays no heed to the fact of operation of telephone recording devices (11 FCC at 1047).

We stated further that regulation of interstate and foreign message telephone service

> * * * necessarily involves all the facilities, charges, classification, practices, service and regulations used in the rendition of the service, and regulation of such service must be able to deal with all or any of the matters so involved if it is to be effective (11 FCC at 1047).

In 1953 we stated in the Katz case that

> The fact that the same instruments are used for both interstate and intrastate services and that intrastate service is subject to state and local regulation does not alter the Commission's duties and obligations with respect to interstate telephone facilities. Were the Commission to exercise its jurisdiction only where the telephone facilities in question were exclusively interstate in character, it would result in virtually complete abdication from the field of telephone regulation by the Commission (Katz v. ATT, 8 RR 919 at 923 (1953)).

Later in Jordaphone Corp. of America v. ATT, 18 FCC 644 (1954), we rejected the carriers' contention that because tariff regulations prohibiting the use of customer-owned automatic answering devices affected intrastate and exchange telephone service, the Commission was without jurisdiction to entertain a complaint alleging the unreasonableness of such regulations. Although we required the carriers to file revised tariffs allowing the use of answering devices where authorized by state or local authorities, we stated:

> Despite the fact that the individual telephone installation is used more extensively for intrastate telephone communications than for interstate and foreign toll telephone service, it is clear that this Commission, pursuant to sections 1 and 2(a) of the Communications Act of 1934, as amended (47 U.S.C. 151, 192(a)), has jurisdiction insofar as the 1.2 percent interstate and foreign toll message calls are concerned 18 FCC at 670.

We also stated that while we hesitated to exercise jurisdiction in such a way as to preclude exercise of jurisdiction by state or local bodies, we would do so where,

> * * * the record reveals a very clear need for action so far as interstate telephone service is concerned 18 FCC at 670.

We expressly found such a need in the ATT–TWX and DOD v. GTE cases quoted above. We stated in ATT–TWX that:

> To the extent the carrier provides station equipment for use in connection with both interstate and intrastate communication, the Commission has authority to regulate the charges for interstate use of those facilities in order to insure lawful performance of the interstate service (38 FCC at 1132)

and that

> We find nothing in section 2(b)(1) which imposes any limitation upon our full authority over interstate communication service. For us to conclude that, because facilities and instrumentalities are used in intrastate as well as in interstate communication service, we do not have jurisdiction or that we should not exercise it, would leave a substantial portion of the interstate communication service unregulated. We do not believe Congress so intended (38 FCC at 1133).

Our decision in that case concludes that "* * * on the basis of statements and comments presented herein by the parties it is not practicable to establish separate interstate and intrastate schedules of charges * * *" 38 FCC at 1134. A similar conclusion was reached in DOD v. GTE.

[21a] We note that counsel for AT&T conceded at oral argument that section 221(b) is not determinative of the jurisdictional question (Tr. 102–103).

The courts have held that transmission facilities located entirely within one state are not immune from Commission regulation if those facilities are used for interstate communications. United States v. Southwestern Cable Co., 392 U.S. 157 (1968); Ward v. Northern Ohio Telephone Co., 300 F. 2d 816 (6 cm.) cert. denied, 371 U.S. 820 (1962); California Interstate Co. v. F.C.C., 328 F. 2d 556 (D.C. Cir. 1969). The Courts have also held that Commission regulation of interstate communication does not end at a local switching apparatus but runs to the ultimate destination of the transmission. U.S. v. ATT, 57 F. Supp. 451 (S.D. N.Y. 1944), aff'd. sub nom. Hotel Astor, Inc. v. U.S., 325 U.S. 837 (1945). And in Ivy Broadcasting Co. v. A.T.T., 391 F. 2d 486 (2d Cir. 1968) the Court held that when a local transmission facility is included in an interstate transmission network, the regulation of the interstate uses of that facility lies exclusively with the F.C.C.

37. Fourth, the legislative history of the Communications Act clearly shows that in enacting Sections 2(b) and 221(b), the Congress was primarily concerned with the preservation of traditional State jurisdiction over intrastate rates and services, i.e., to make certain that the Federal Communications Commission could not regulate intrastate rates and services in the manner that intrastate transportation's rates and services were being regulated by the Interstate Commerce Commission. Clearly, Congress sought to exclude the FCC from regulation of truly intrastate service, including those local exchange services referred to in section 221(b) where such local exchange area straddles a state border and to this limited extent constitutes interstate service. But the latter is the only aspect of interstate service that the Congress felt warranted in reserving to the States.[22] There is nothing in the Communications Act or its legislative history which supports the position taken by the proponents of the North Carolina proposed rule that section 2(b) and/or 221(b) reflects a Congressional intent that where common exchange plant is used to provide both exchange and other intrastate services as well as interstate services, a State may, in effect, determine the terms and conditions upon which such common plant is to be used for interstate service. It is one thing to exempt intrastate services from Federal jurisdiction. It is quite a different matter to argue that by virtue of this exemption plant used in common for both intrastate and interstate services is beyond Federal jurisdiction and that subscribers can be subjected to a melange of regulations, determined by each of 50 separate jurisdictions, as to the terms and conditions upon which they shall have access to and use of the telephone network for interstate services. If each State were to be free to establish its own rules governing interconnection for the purposes of intrastate services, uniform nondiscriminatory interstate service throughout the country would be rendered difficult if not impossible. Because of the indivisibility of the network, it is impossible, from a practical economic and operating standpoint, for a common carrier to comply with conflicting Federal and State regulation.[23] Moreover, if a State were to bar interconnection of customer-provided equipment for intrastate service in derogation of a Federal rule, the carrier would be placed in an untenable position of having to violate either the State ruling or the Federal ruling. All of these results would frustrate the Congressional purpose in establishing the Commission to "make available * * * a rapid, efficient, Nation-wide * * * communication service with adequate facilities at reasonable charges * * * " (section 1).

38. For all of the foregoing reasons, this Commission has primacy in authority over the terms and conditions governing the interconnection of customer-provided equipment to the nationwide telephone network. No State regulation can oust this Commission from its clear jurisdiction over interstate communications and the regulation of the terms and conditions governing such communication, including the right of subscriber interconnections. A "holding of Federal exclusion of State law is inescapable and requires no inquiry into congressional design where compliance with both Federal and State regulation is a physical impossibility for one engaged in interstate commerce." Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 142–143 (1963). See also cases cited in footnote 6 above.

39. Although we have asserted Federal primacy in this area, it does not follow that the State commissions have no proper interest or that they are to be denied a participating role and thus become merely onlookers to purely unilateral action by the FCC. Congress, at the time that it enacted the Communications Act, recognized the potential impact of the regulatory power given to this Commission over intrastate matters and the States' regulation thereof, particularly in those instances where service to the public involved the use of common plant and facilities. Accordingly, Congress established a statutory mechanism to make it possible that State concerns and viewpoints would be duly reflected in the Commission's actions in areas of common regulatory concern. Specifically, section 410 of the Communications Act makes provision for State participation in Commission proceedings through several types of procedures including the use of Federal-State joint boards to preside over hearings and to make recommendations to the Commission as to the ultimate decision the FCC should reach in the particular matter. In 1971, Congress further amended the Act by adding a provision (section 410(c)) making mandatory, rather than permissive, the use of the Federal-State Joint Board procedures to resolve separation issues with respect to common carrier property. It is relevant to note in this case that this amendment, enacted just two years ago, again stressed the primacy of the Federal jurisdiction by reserving to this Commission the final decision-making powers.[24]

40. In the current situation, we have respected the interest of the States in this matter of interconnection, as well as the effect of any ruling which we may make upon intrastate services. Accordingly, as noted above, to accommodate to the fullest extent possible all reasonable and legitimate concerns of such State jurisdictions we have established a Joint Board pursuant to the provisions of section 410 to address itself to the question of whether customer interconnection should be liberalized beyond that now permissible under our Carterfone ruling and the implementing tariffs, and, if so, what conditions, rules, regulations and other requirements should be imposed in connection with such further liberalization. Interstate and Foreign MTS and WATS, 35 FCC 2d 539, 542 (1972).

41. Turning now to the effects of the actions we have taken in the interconnect area on State action in the same area, we point out that our actions do not foreclose any State from taking action of its own in the interconnect area so long as such action does not derogate the interstate ruling. A principal thrust and aim of the interstate tariff filed in compliance with our Carterfone ruling is to make certain that the telephone network and the employees operating and maintaining that network will be protected from any harm that may be occasioned by the use of customer-owned equipment or systems. Hence, the tariff requirement that such equipment or systems can be directly connected to the telephone fa-

[22] See, e.g., 78 Cong. Rec. 8823 (May 15, 1934); 78 Cong. Rec. 8846–8847 (1934); H.R. Rep. No. 1850, 73rd Cong., 2d Sess. 2, 3 (1934); 78 Cong. Rec. 10313 (1934); S. Rep. No. 781, 73rd Cong., 2d Sess. 2 (1934); 78 Cong. Rec. 10316–17 (1934). See also, Southwestern Bell Telephone Co. v. United States, 45 F. Supp. 403, 404 (W. D. Mo. 1942).

[23] And clearly it would make no economic or operational sense to provide separate facilities for intrastate and interstate services in order to comply wtih conflicting rules.

[24] The Senate Committee Report (p. 2) notes that while the Federal and State "jurisdictions are separate for interstate and intrastate services, the plant facilities are to a great extent the same for both." The Report also recognizes that the Federal Government pre-empts the States in the area of Federal jurisdiction, stating:

> Although the States regulate, in the aggregate, 70 percent of Bell's plant investment, no one State has jurisdiction over as much as the approximately 30 percent regulated by the Federal Communications Commission, and the interests of the various States can be different. More importantly, the Federal Government preempts the States in the area of Federal jurisdiction. Thus, if the Commission declares its rate base to include certain costs, these costs are not used in determining a State's rate base; conversely, if the Federal Communications Commission does not use certain costs, the State may be left with these costs in determining its rate base—and correspondingly higher rates for local services to the local consumer. (S. Rept. 362, 92d Cong., 1st Sess. p. 3).

cilities only through protective interface devices offered by the telephone companies pursuant to those tariffs. Neither the Carterfone ruling nor these tariffs prevent any State from providing additional options to customers with respect to interconnection provided that they are alternatives to, rather than substitutes for, the requirements specified in the interstate tariffs, and provided further that such regulations accomplish the protective objectives of the interstate tariff regulations and in no way permit interference with or impairment of interstate services. Any such additional option authorized by State action would, of course, be required under Section 203 of the Communications Act, to be properly reflected by the telephone companies in their tariffs on file with this Commission applicable to interstate service. Under such a procedure, this Commission would have an opportunity to consider each such additional customer option in terms of its effects upon interstate service. A case in point is represented by the New York Public Service Commission's action with respect to an additional interface arrangement offered by the Rochester Telephone Company (Opinion No. 72-18, Case 26064 (August 21, 1972)).

42. Nor do our actions in the interconnect area foreclose any State from the full exercise of its investigatory powers with respect to the effects of interconnection as related to the quality of telephone service or the regulation by the State of intrastate rate structures and revenue requirements for services subject to its jurisdiction. This Commission has been monitoring interconnection to ascertain the nature and extent of any harm caused thereby. We have also been monitoring the manner and effectiveness with which the telephone companies are administering their tariff regulations, with particular reference to the availability and efficiency of the interface protective arrangements required by such tariffs. We would expect the State commissions to do likewise in discharging their responsibilities with respect to the maintenance of efficient intrastate service. A continued and systematic exchange of information on these matters between the FCC and the several states would be mutually beneficial and in furtherance of our common objective of promoting the public interest in efficient service. Also, this type of Federal-State interaction would enhance the ability of this Commission to take prompt appropriate corrective measures indicated to be warranted by the information generated.

43. There is one additional matter which should be addressed at this time even though it does not relate directly to the issues before us. This is the concern expressed by telephone companies and certain elements of the regulatory community with respect to what they believe to be potential harmful effects of interconnection on telephone service and intrastate rates and revenue requirements applicable to basic exchange services. In general, it has been urged that to the extent our policy established a competitive market for terminal equipment and systems, it forces the carriers to reduce their rates in order to compete in this market for such equipment. This, in turn, it is alleged, causes a loss of revenue to the carriers which prior to competition had been available to offset revenue requirements related to basic exchange services, and thereby requires higher rates for such basic services. It is urged that until these consequences are fully explored and evaluated as to their effects on the costs and availability of basic exchange service there should be no further liberalization of interconnection. It has also been suggested that until the Carterfone policy and its effects have been reevaluated, there should be a moratorium on permissible interconnection of any kind.

44. In our Notice of Inquiry in Docket No. 19528, we gave no specific consideration to questions as to whether and to what extent there might be adverse economic consequences from further liberalization of customer interconnection by the ultimate adoption of any of the proposals before us in that proceeding. We therefore specified in our First Supplemental Notice in Docket No. 19528 that we would "cover such issues in an appropriate manner by further supplemental notices in the near future."

45. In light of representations made to us in connection with the instant proceeding, we propose to broaden our review of potential adverse effects to include alleged economic effects which may result from currently permitted use of customer-provided equipment. We shall, at an early date, formulate and release specific issues designed to elicit the necessary information and provide a framework for proper decision-making.

46. Any such expansion of the issues in Docket No. 19528 or in a separate proceeding is not to be construed as an indication that we have any reason to question the merits of our Carterfone policy or the public benefits we perceive to have resulted from that policy thus far. Our purpose will be instead to afford an opportunity to the critics of customer interconnection to substantiate and document by meaningful and probative evidence the specific nature and extent of the economic or other detriments they allege are or will be the consequence of customer interconnection as it is presently authorized or as it might be liberalized in accordance with any of the proposals now being considered in Docket No. 19528. We will also expect them to make a persuasive showing as to whether, to what extent, and in what specific areas the markets for interconnect equipment and systems have the unique characteristics which would warrant relegating that market to monopoly supply by the telephone companies rather than to competitive sources of supply.

47. In fairness to all parties concerned, we deem it in order to state our view at this time that under a free enterprise system, particularly in this instance where there is an existing and growing competitive market for customer-provided interconnect equipment, any governmental action designed to prohibit or restrict the competitive operation of such a market would be of questionable validity and legality unless supported by compelling and cogent public policy considerations. Our purpose in enlarging the proceedings in Docket 19528 (or in a separate proceeding) will be to ascertain whether such public policy considerations are present as to warrant the extension of the natural monopoly concept to the interconnect market.

48. We now address certain significant issues relating to Title III of the Act that were not specifically covered in the briefs and oral argument. These questions relate to the implications of the proposed rule of NCUC upon our exclusive jurisdiction under the Act to license radio facilities.

49. Both sections 2(b) and 221(b) of the Act, which are relied upon heavily by the proponents of the NCUC rule, begin with language that makes it clear that State action must yield to the sole jurisdiction and power of the Commission to license radio facilities in the public interest. This licensing jurisdiction applies to radio facilities irrespective of whether they are to be used for interstate or intrastate purposes. In North Carolina, as in every other State, the telephone companies and many of their interconnecting customers are users of radio facilities licensed by this Commission. Under Title III of the Act all licensees are subject to the requirements that they operate in the public interest and in accordance with national policies as expressed in the Act and as developed by our regulatory actions. (See e.g., *Guardband Decision*, 12 FCC 2d 841 (1968); 14 FCC 2d 269 (1968); 409 F.2d 322 (1969)).

50. Thus, our findings herein that the Federal role is paramount and controlling in the area of interconnection to the nationwide telephone network is premised not only upon the provisions of Title I and Title II, of the Act as heretofore discussed, but also upon the provisions of Title III and the national policies reflected therein.

51. A key provision of the proposed rule of the NCUC is that "The telephone company shall own, service and be fully responsible for and accountable to the Utilities Commission and to its customers for adequate service and maintenance of all equipment used in telephone service in North Carolina" (emphasis added). Telerent Leasing Corp. 43 FCC 2d 487, at page 491. This NCUC rule, if adopted and made effective, would mean that all private mobile and other radio systems licensed by us in North Carolina would no longer be interconnected with the switched telephone system and this would be in direct conflict with our policy of liberal licensing of private radio systems and our policy under Carterfone of harmless interconnection of all such radio systems with the common carrier network. Indeed, the interconnect facilities involved in the Carterfone case were private mobile radio systems which were being furnished by the customers themselves in substitution for radio sys-

tems otherwise available from telephone companies as part of their telephone service offerings to the public.

52. With respect to that portion of the advisory ruling by the Attorney General of the State of Nebraska that a hotel or motel could not interconnect privately-owned communications equipment with the facilities and services of a telephone company without certification as a common carrier, the following observations appear to be in order. We do not believe that hotels or motels should be treated any differently from other businesses so far as the ownership, operation and interconnection of their own equipment or systems are concerned. With respect to interstate service, we perceive no reason why a hotel or motel should be obliged to lease from the telephone company rather than own its own internal equipment or system. Nor do we perceive why its lease of facilities from the local telephone company rather than its ownership of such facilities procured from other sources should affect any determination of its status as a regulated entity under State law or of its right to interconnection.

53. We recognize, however, that under the statutes or judicial rulings of a particular State, hotels or motels may, under appropriate circumstances, be subject to State regulation as common carriers or public utilities and require certification as such. Whether this is the situation in the State of Nebraska, we are not called upon to ascertain nor would it be appropriate for us to judge. This is a question that must be determined in the first instance within the State jurisdiction. We merely note in passing that national policy under Hushaphone and Carterfone requires that all customers, including hotels and motels, be free to obtain their own systems from either the telephone company or non-telephone company sources and to interconnect such systems with the national network for interstate communications, subject only to reasonable requirements to prevent harm to the network, its employees or service of others. Furthermore, if any hotel or motel is definitely termed a common carrier by state law, such hotel or motel could apply to us for interstate carrier-to-carrier interconnection under Section 201(a) of the Act and could seek division of revenue with the telephone companies participating in such interconnect service. It could also seek such other relief as may be necessary to enable it to render interstate communications service. We will retain jurisdiction in this matter to consider the effect of State action in this area.

54. Finally, we take notice of the General Order of the Corporation Commission of the State of Oklahoma, issued January 14, 1974, which adopts rules governing telephone companies and telecommunications in Oklahoma. Rule 16(a) provides that:

(a) Authority to Interconnect: No telephone company shall connect or permit connection of any of its lines, facilities or equipment with any lines, facilities or equipment owned, furnished, maintained or serviced by another person furnishing telephone or telecommunications service, unless that person has been granted a certificate of convenience and necessity therefor by the Commission.

Rule 16(b) states:

(b) Customer Owned Equipment: This rule shall not prevent the connection of equipment owned exclusively by the customer, and not owned, furnished, maintained or serviced by any other person, when such customer owned equipment is installed and connected in accordance with the approved rules and conditions of service of the telephone company.

55. Rule 16(a) on its face encompasses more than the interconnection of customer provided equipment and extends to interconnection between the facilities of a telephone company and the system of another carrier, such as a specialized or domestic satellite carrier offering interstate services. As such it poses a clear conflict with the Communications Act and our interconnection policy in the specialized carrier and domestic satellite fields. With respect to the provision of interstate and foreign communications, sections 214 and 201(a) of the Communications Act grant this Commission exclusive authority to issue certificates of convenience and necessity and to order interconnection between carriers. Moreover, we have imposed a requirement that telephone companies shall furnish to specialized and satellite carriers such interconnection facilities as are essential to the provision of their authorized interstate services, pursuant to tariffs filed with this Commission. Specialized Common Carrier Services, 29 FCC 2d 870, 940 (1971); Second Report and Order in Docket No. 16495, 35 FCC 2d 844, 856 (1972); AT&T, 42 FCC 2d 654, 655–661 (1973). The telephone companies involved are not excused from prompt compliance with our interconnection policy and orders because of the rule adopted by the Oklahoma Commission.

56. Further, with respect to Rule 16(b), we note that our Carterfone ruling and the implementing tariffs do not distinguish between customer-owned and customer-leased equipment. For purposes of interstate service, we see no reason why there should be any absolute bar against interconnection of customer-leased equipment maintained or serviced by the lessor. In the case of computer equipment leased from IBM Corp., for example, the lessor may be much better qualified to maintain and service the equipment than the customer. Accordingly, in this area also the Oklahoma rule squarely conflicts with the Federal ruling.

57. In light of all of the foregoing, *it is hereby ordered*, That the petition for a declaratory ruling is granted to the extent reflected herein and is otherwise denied.

58. *It is further ordered*, That the motion of NATA for expedited action and immediate relief is dismissed as moot.

59. *It is further ordered*, That the motions of NARUC and Southern Pacific to correct the transcript of oral argument are granted.

60. *It is further ordered*, That the Commission retails full jurisdiction over the question discussed in paragraphs 52 and 53 above.

Adopted: January 31, 1974.

Released: February 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-3250 Filed 2-7-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-144]

AZTEC OIL & GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 1, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-144..	Aztec Oil & Gas Co	3	31	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	$547,271	1-2-74		7-2-74	29.23	[1] 57.72	RI71-744.
	do	4	39	El Paso Natural Gas Co. (Pictured Cliff and Fruitland Formations, N. Mex.) (San Juan Basin).	158,485	1-2-74		7-2-74	29.23	[1] 57.72	RI72-224.
	do	5	8	El Paso Natural Gas Co. (Pictured Cliff Formation N. Mex.) (San Juan Basin).	15,225	1-2-74		7-2-74	29.23	[1] 57.72	RI72-235.
	do	12	13	do	707	1-2-74		7-2-74	29.23	[1] 57.72	RI72-235.
	do	28	8	El Paso Natural Gas Co. (Mesa Verde Formation, N. Mex.) (San Juan Basin).	16,502	1-2-74		7-2-74	29.23	[1] 57.72	RI72-57.
	do	29	10	do	52,943	1-2-74		7-2-74	29.23	[1] 57.72	RI72-57.
	do	35	11	do	41,371	1-2-74		7-2-74	29.23	[1] 57.72	RI72-57.

*Unless otherwise stated, the pressure base is 15.025 lb/in²a. [1] Subject to Btu adjustment.

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months.

[FR Doc.74-3265 Filed 2-7-74;8:45 am]

[Docket Nos. RI74-145 and RI74-146]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 1, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in Docket No.
									Rate in effect	Proposed increased rate	
RI74-145..	Sun Oil Co	108	10	El Paso Natural Gas Co. (San Juan Basin Area of New Mexico) (Rocky Mountain Area).	(2)	1-11-74		7-11-74	[1] 26.17	26.70	
	do	[10] 319	11	do	$1,627	1-11-74		3-14-74	[1] 26.17	[3] 26.70	
	do	353	16	do	[4] 464	1-11-74		7-11-74	[1] [4] 26.17	[3] [4] 26.70	
	do	376	15	do	[5] 49	1-11-74		7-11-74	[1] [5] 24.72	[3] [5] 25.23	
	do	431	9	do	26	1-11-74		7-11-74	[1] 26.17	26.70	
				do	[6] 11,262	1-4-74		7-4-74	[1] [6] 26.17	[3] [6] 26.70	
				do	[7] 60	1-4-74		3-7-74	[3] [7] 22.0	[3] [7] 24.5	
				do	[8] 233	1-4-74		7-4-74	[1] [8] 26.17	[3] [8] 28.5	
	do	512	3	do	(2)	1-4-74		3-7-74	[3] [9] 28.0	[3] [9] 28.5	RI72-227.
				do	[7] 540	1-11-74		3-14-74	[3] [7] 24.0	[3] [7] 24.5	
RI74-146..	Tenneco Oil Co	142	13	do	[9] 4	1-11-74		3-14-74	[3] [9] 28.0	[3] [9] 28.5	RI74-72.
				Southern Union Gathering Co. (San Juan Basin Area of New Mexico) (Rocky Mountain Area).	51,866	1-4-74		7-4-74	[1] 26.1797	[3] 26.7144	

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to Btu adjustment up from 1,050 and down from 1,000 Btu per cubic foot.
[2] No current deliveries.
[3] Subject to Btu adjustment up and down from 1,000 Btu per cubic foot.
[4] New Mexico sales.
[5] Colorado sales.
[6] For acreage dedicated prior to Oct. 1, 1968, and wells completed prior to June 1, 1970.
[7] For acreage dedicated after Oct. 1, 1968, and wells completed prior to June 1, 1970.
[8] For acreage dedicated prior to Oct. 1, 1968, and wells completed on or after June 1, 1970.
[9] For acreage dedicated after Oct. 1, 1968, and wells completed on or after June 1, 1970.
[10] Considered new gas pursuant to Opinion No. 639.

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

[FR Doc.74-3266 Filed 2-7-74;8:45 am]

[Project No. 2496]

EUGENE WATER & ELECTRIC BOARD

Notice of Application for Amendment of Major License for Constructed Project

FEBRUARY 1, 1974.

Public notice is hereby given that application was filed on July 13, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the City of Eugene, Oregon, acting by and through the Eugene Water & Electric Board (Correspondence to: M. C. H. Strong, P.E., Chief Engineer, Eugene Water & Electric Board, P.O. Box 10148, Eugene, Oregon 97401) for amendment of the major license for constructed Leaburg Project No. 2496, located in Lane County, Oregon, on the McKenzie River, a tributary of the Willamette River and a navigable water of the United States.

The Leaburg Project, which has an installed capacity of 13,500 kw, consist of: (1) A reinforced concrete and steel dam approximately 450 feet long and 20 feet high, equipped with three 9x100 foot roller gates and with sluiceway intake gates; (2) A 5-mile-long canal; (3) A small forebay; (4) Two penstocks of reinforced concrete pipe 8 feet in diameter and 250 feet long; (5) A reinforced concrete powerhouse containing two generating units with capacities of 7,500 kva and 9,375 kva, respectively; (6) A substation with six 2,500 kva transformers, 12/69 kv; (7) A 15.5-mile-long transmission line to the Currin substation; and (8) Recreational facilities.

Applicant has requested that the Commission amend Article 33 of the license for Project No. 2496 to reflect reduction in the magnitude of the minimum water released from Leaburg Dam from 500 cfs to 465 cfs. This reduction of flow is necessary to permit the allocation of 35 cfs of water to the McKenzie River Salmon Hatchery, which will be operated by the Oregon Fish Commission.

The firm power loss at the Leaburg Project resulting from the decreased flows is about 205 kw. Replacement of this power is being negotiated between the Bonneville Power Administration and the U.S. Army Corps of Engineers.

Any person desiring to be heard or to make protest with reference to said application should on or before February 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3261 Filed 2–7–74;8:45 am]

[Project No. 2354]

GEORGIA POWER CO.

Notice of Application for Change in Land Rights

FEBRUARY 1, 1974.

Public notice is hereby given that application was filed November 26, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, 270 Peachtree Street, P.O. Box 4545, Atlanta, Georgia 30202 for change in land rights within the Terrora Development of its constructed Project No. 2354, known as the North Georgia Project, located on the Tallulah and Tugalo Rivers, in Rabun, Habersham, and Stephens Counties, Georgia, and Oconee County, South Carolina. The project affects navigable waters of the United States.

According to the application, Georgia Power Company seeks approval of the issuance of a right-of-way deed to Rabun County, Georgia, for the purpose of repairing and improving an existing public road which crosses approximately 400 feet of project lands. The right-of-way would be 60 feet wide (30 feet to either side of the center of the road) and 0.9 mile in length; it would extend from Georgia Highway No. 15 to the Athens, Georgia, YMCA Camp, in the 13th District, Town of Tallulah Falls, Rabun County, Georgia.

Any person desiring to be heard or to make protest with reference to said application should on or before March 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3257 Filed 2–7–74;8:45 am]

[Docket No. F–8170]

GEORGIA POWER CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

FEBRUARY 1, 1974.

On January 30, 1974, Georgia Power Company filed a joint motion for an extension of the dates fixed by notice issued January 11, 1974, on its behalf and at the verbal request and concurrence of Counsel for the Georgia Municipal Association, Georgia Electric Membership Association and Staff Counsel.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further amended as follows:

Service of testimony and exhibits by interveners, March 6, 1974.

Service of Rebuttal Evidence by Company, March 22, 1974.

Prehearing Conference and Commencement of Hearings, April 10, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3255 Filed 2–7–74;8:45 am]

[Docket No. E–8611]

GULF STATES UTILITIES CO.

Notice of Application

FEBRUARY 1, 1974.

Take notice that on January 28, 1974, Gulf States Utilities Company (Applicant), filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $60,000,000 principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge and vicinity.

The Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's Regulations under the Federal Power Act. The Applicant proposes to invite bids on or about March 5, 1974, for the purchase of the new securities.

The proceeds from the sale of the new securities will be used to pay off part of the Company's outstanding commercial paper and short-term bank loans previously authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 21, 1974, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3262 Filed 2–7–74;8:45 am]

[Project No. 2310]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Approval of Easement

FEBRUARY 1, 1974.

Public notice is hereby given that application was filed September 4, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (PG & E) (Correspondence to: Mr. J. F. Roberts, Jr., Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for approval of easement for its constructed Project No. 2310, known as the Drum-Spaulding Project, located on the South Yuba and Bear Rivers and tributaries, in Nevada and Placer Counties, California, near the Cities of Auburn, Colfax, Grass Valley, and Nevada City.

According to the application, Licensee PG & E seeks Commission approval of an easement executed February 21, 1973, which permits Mr. S. J. McKeeman to use a 3500-foot portion of a project road from the Colfax-Grass Valley highway southerly to the vicinity of the Bear River canal in the NW¼, S. 27, T. 15N., R. 19E, MDB&M, about two miles north of Colfax. The road provides access to both the Bear River Canal for maintenance purposes and McKeeman's residence on his property adjacent to PG & E land. McKeeman shares road maintenance expenses in proportion to his use thereof.

Any person desiring to be heard or to make protest with reference to said application should on or before March 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commissions' rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3259 Filed 2–7–74;8:45 am]

[Project No. 2191]

PACIFIC POWER & LIGHT CO.

Notice of Application for Withdrawal of Major License Application

FEBRUARY 1, 1974.

Public notice is hereby given that application was filed December 18, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Company (Correspondence to: George L. Beard, Senior Vice President, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204; copies to: Lee S. Sherline, Leighton and Sherline, 1701 K Street, NW., Washington, D.C. 20006) for withdrawal of the major license application filed January 28, 1959, for its proposed Meadows Project No. 2191, which was to be located on Rush, Curly, Meadow, and Big Creeks, tributaries of the Lewis River in Skamania County, Washington. The proposed project would affect lands of the United States in the Gifford Pinchot National Forest.

The proposed project would consist of an initial development described as follows: (1) Big Creek Diversion, a low earth dike across Big Creek, about five miles above its confluence with Lewis River, a spillway in the dike, and an earth canal extending 5,600 feet from the dike to Meadow Creek, a tributary of Rush Creek; (2) Curly Creek Diversion, a 24-foot high overflow type rock-fill dam on Curly Creek approximately 3½ miles above its confluence with Lewis River, with a conduit extending from an intake structure in the dam to Rush Creek; (3) Rush Creek Diversion, a 50-foot high rock-fill dam on Rush Creek about two miles above its confluence with Lewis River, with a conduit extending from an intake structure in the dam to the Lower Drop Forebay; (4) Lower Drop Forebay, a forebay with usable regulating capacity of approximately 180 acre-feet formed by a 50-foot high earth embankment with intake structure for the Lower Drop Penstock; (5) Lower Drop Penstock, extending from the forebay to the Lower Drop Powerhouse; (6) Lower Drop powerhouse, an outdoor type powerhouse on the east side of the proposed Muddy reservoir approximately two miles upstream from the proposed Muddy dam (both of the latter being parts of Project No. 2112); the proposed powerhouse would contain one generating unit with output rating of 25,000 kW, operation of which would be by remote control from the Merwin plant of Licensed Project No. 935, about 30 miles downstream; and (7) A 69–kV transmission line to applicant's primary transmission system and facilities of the Northwest Power Pool.

According to the application, Project No. 2191 has low planning priority because, without storage, its capability is limited. The project was originally designed with some storage, but plans were later modified to eliminate same due to the unfavorable impact on wilderness areas surrounding the proposed project that a larger reservoir would create. The Washington State Department of Game was granted intervention in the proceeding May 8, 1959.

Any person desiring to be heard or to make protest with reference to said application should on or before March 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3263 Filed 2–7–74;8:45 am]

[Project No. 2217]

PACIFIC POWER & LIGHT CO.

Notice of Application for Withdrawal of Major License Application

FEBRUARY 1, 1974.

Public notice is hereby given that application was filed December 18, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Company (Correspondence to: George L. Beard, Senior Vice President, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204; copies to: Lee S. Sherline, Leighton and Sherline, 1701 K St., NW., Washington, D.C. 20006) for withdrawal of the major license application filed January 29, 1960, for its proposed Eden Ridge Project No. 2217, which was to be located on the Coquille River in Coos County, Oregon. The proposed project would affect lands of the United States in the Siskiyou National Forest.

The proposed project would consist of (1) Eden Ridge Dam, an earth-fill dam 210 feet high with crest at elevation 2350 feet, creating a reservoir with usable storage of 110,000 acre feet and extending about 6.0 miles upstream; (2) The Lockhart Dam, a 125 foot high earth-fill dam to be constructed about 2½ miles downstream from Eden Ridge Dam site with crest at elevation 2160 feet, creating a reservoir with usable storage of 2,600 acre feet; (3) A power tunnel about 12,000 feet long with intakes located in both Eden Ridge and Lockhart reservoirs; (4) A steel penstock about 3140 feet long; (5) Eden Ridge powerhouse, containing one 124,000 hp turbine connected to a 77,000 kW generator; and (6) Appurtenant equipment and transmission lines.

According to the withdrawal application, Project No. 2217 was conceived as a peaking project to be operated in conjunction with on-site coal-fired generation; the area's supply of coal has since proven insufficient, rendering the original concept uneconomical. Additionally, applicant expresses concern that the proposed after-bay in the Coquille River would create negative impact on recreationists and fish runs. The Oregon State Game Commission and Fisheries Commission of Oregon petitioned to intervene in the proceeding April 4, 1960.

Any person desiring to be heard or to make protest with reference to said application should on or before March 11, 1974, file with the Federal Power Comis-

sion, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3260 Filed 2-7-74;8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.

Notice of Further Extension and Postponement of Prehearing Conference and Hearing

FEBRUARY 1, 1974.

On January 18, 1974, Pennsylvania Power Company filed a motion for a further extension of the procedural dates fixed by notice issued December 5, 1973. On January 28, 1974, Pennsylvania Power Company filed a motion modifying the dates previously requested. The motion states that counsel for the interveners and staff counsel are agreeable to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of intervener evidence, February 25, 1974.

Service of company rebuttal, March 18, 1974.

Cross-examination, April 1, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3256 Filed 2-7-74;8:45 am]

[Docket Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Notice of Extension of Time and Postponement of Hearing

FEBRUARY 1, 1974.

On January 18, 1974, United Gas Pipe Line Company filed a motion for an extension of time and consolidation of prescribed dates fixed by the Administrative Law Judge on November 19, 1973, and the order suspending and rejecting tariff sheets, directing compliance and consolidating hearing issued on January 11, 1974.

On January 24, 1974, New Orleans Public Service Inc., and Mississippi Power and Light Company filed an answer supporting the request providing all other procedural dates were extended two weeks.

Upon consideration notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of United's prepared direct testimony except United's testimony on end use data which will be filed on February 1, 1974, February 15, 1974.

Service of prepared direct testimony by Staff and Interveners, March 8, 1974.

Service of simultaneous rebuttal testimony by all parties, March 20, 1974.

Commencement of Hearing, March 26, 1974 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3258 Filed 2-7-74;8:45 am]

[Docket No. RP74-61]

ARKANSAS LOUISIANA GAS CO.

Notice of Filing of Revised Tariff Sheets

JANUARY 31, 1974.

Take notice that on January 24, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, which affect rates contained in its FPC Gas Rate Schedule G-2. According to Arkla, Second Revised Sheet No. 4 reflects a 9.5¢/Mcf increase more than half of which reflects an increase in cost of gas over the last six years; Third Revised Sheet No. 15 merely changes the name of one of its customers to that of the customer's predecessor; and Original Sheet Nos. 12A, 12B, 12C and 12 D set out purchased gas adjustment provisions to be prospectively applicable to Rate Schedule G-2.

Arkla states that the filings are concerned solely with the five small jurisdictional sales made under Rate Schedule G-2 which represent less than one-half of one percent of the Arkla systems' total sales. Therefore, Arkla requests that the filings be processed as a minor rate increase and that waiver of any requirements of the Commission's Regulations not literally complied with be granted.

The filings are proposed to become effective 30 days after filing. Arkla states that copies of the filings have been mailed to: Town of Granite, Oklahoma; City of Mangum, Oklahoma; Town of Willow, Oklahoma; City of Winfield, Kansas; Greely Gas Company; Kansas Corporation Commission; and Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing 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 February 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3182 Filed 2-7-74;8:45 am]

[Docket No. RI74-142]

CITIES SERVICE OIL CO.

Notice of Petition for Special Relief

FEBRUARY 4, 1974.

Take notice that on January 28, 1974, Cities Service Oil Company (Petitioner), P.O. Box 300, Tulsa, Oklahoma 74102, filed a petition for special relief in Docket No. RI74-142, pursuant to section 2.76 of the Commission's General Policy and Interpretations. Petitioner requests that it be granted special relief from the area rate and moratorium provisions of the Commission's Opinion No. 586 and seeks a price of 30.0 cents per Mcf for gas sold to Northern Natural Gas Company under its FPC Gas Rate Schedule No. 169 from certain designated wells in Texas County, Oklahoma.

Petitioner estimates that if water pumping equipment is installed on the 80 wells that 43.5 Bcf of additional reserves are economically recoverable. Otherwise, the additional gas must be abandoned.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3185 Filed 2-7-74;8:45 am]

[Docket Nos. G-13183, et al.]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Filing of Plan of Disposition of Refunds

JANUARY 31, 1974.

Take notice that on May 5, 1966, Consolidated Gas Supply Corporation (Consolidated) filed with the Federal Power Commission a plan for disposing of refunds made to Consolidated (as the former Hope Natural Gas Company) by Callery Properties, Inc., (Callery) pursuant to the Commission Order of April 6, 1966 (involving Placid Oil Company, et al., G-13183, et al.; The Superior Oil Company, G-16380 and G016388; Callery Properties, Inc., G-17340 and G-17341; United Gas Pipe Line Company,

RP65-15; Transcontinental Gas Pipe Line Corporation, RP65-31; and Consolidated Gas Supply Corporation, RP66-23).

According to Consolidated, it has received the refunds from Callery, is presently retaining them pursuant to Paragraph (G) of the April 6, 1966 order, and intends to flow them through to its jurisdictional customers. Consolidated states that its proposed disposition of the Callery refunds is identical to the disposition made of refunds received from other South Louisiana producers involved in the same litigation from which the Callery refunds stemmed. Consolidated additionally states that in conformity with the Rate Settlement filed by Hope Natural Gas Company (Consolidated's predecessor) and approved by the Commission's Order issued December 7, 1962, in Docket Nos. G-5474, G-12454, G-17220 and RP61-14, Consolidated intends to flow through to the former Hope jurisdictional customers their jurisdictional portion of the Callery refunds.

Consolidated states that a copy of its filed letter has been served upon each customer and interested state commissions and requests that the Commission accept its letter as constituting a satisfactory plan of disposition and that it be permitted to proceed with the disposition as proposed.

Any person desiring to be heard or to protest said filing 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 February 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3179 Filed 2-7-74;8:45 am]

[Docket No. E-8609]

ELECTRIC ENERGY, INC.

Notice of Filing of Supplement to Rate Schedule

FEBRUARY 1, 1974.

Take notice that on January 28, 1974, Electric Energy, Incorporated (Electric) tendered for filing a supplement to its Rate Schedule FPC No. 4. Electric states that by this filing it proposes to invoke section 4.06 of the aforementioned Rate Schedule as to reimbursement of the allocated net costs of property replacements for the year 1973. According to Electric, a similar filing covering property replacements for the year 1972 was accepted by the Commission on March 8, 1973.

Any person desiring to be heard or to protest said filing 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 February 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3177 Filed 2-7-74;8:45 am]

[Docket Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO.

Notice of Extension of Time and Establishing Procedural Dates

JANUARY 31, 1974.

On January 28, 1974, El Paso Natural Gas Company filed a motion for an extension of time to file answering testimony and for the establishment of procedural dates fixed by order issued December 21, 1973 in the above-designated matter. By letter dated January 30, 1974, El Paso Natural Gas Company advised that all parties had been contacted and none had any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by Staff and Northwest, February 1, 1974.
Hearing, unless advised to the contrary, for the purpose of certifying to the Commission appropriate pleadings, February 12, 1974.
Service of answering evidence by Intervenors, February 26, 1974.
Service of Rebuttal evidence, if any, by Staff, El Paso and Northwest, March 11, 1974.
Hearing, March 19, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3184 Filed 2-7-74;8:45 am]

[Docket Nos. RP71-102, RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Refund Filing

JANUARY 31, 1974.

Take notice that on January 21, 1974 Great Lakes Gas Transmission Company (Great Lakes) filed a report entitled "Summary of Refunds and Interest Payable", setting forth the amounts being refunded to each of the company's customers.

Great Lakes states that this report is in accordance with the Commission's order of March 1, 1972 in Docket No. RP71-102 and of November 21, 1973 in Docket No. RP73-4. Each of those orders approved settlements of rate proceedings involving Great Lakes, according to the company.

Any person wishing to file comments on the refund report should do so on or before February 20, 1974 with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3178 Filed 2-7-74;8:45 am]

[Docket No. E-8547]

MISSOURI EDISON CO.

Notice of Tariff Change

FEBRUARY 1, 1974.

Take notice that Missouri Edison Company (Company) on December 12, 1973, tendered for filing proposed changes in its FPC Electric Service Tariff "Missouri Edison Company Rate Schedule FPC No. 1." Company tendered a further filing on January 18, 1974, to correct certain deficiencies in its December 12, 1973 filing. Company states that the proposed changes would increase revenues from jurisdictional sales and services by $3,400 based on the 12 months period ending September 30, 1974.

Company states that the increased rate is being requested because of increased expenses. Company requests that the proposed rates become effective on January 19, 1974.

Company states that copies of the filing were served on the City of Clarksville and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing 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 February 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3187 Filed 2-7-74;8:45 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JANUARY 31, 1974.

Take notice that on January 22, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70-185 a petition to amend the Commission's order issued June 22, 1970 (43 FPC 937) in the subject docket pursuant to Section 7(c) of the Natural

Gas Act by authorizing Petitioner to sell natural gas to Lowell Gas Company (Lowell) under Petitioner's Rate Schedule CD–6 in lieu of its Rate Schedule G–6 which is currently in effect, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In a letter dated October 25, 1973, Lowell requests Petitioner to render service to it pursuant to Petitioner's Rate Schedule CD–6 in lieu of the Rate Schedule G–6. The letter states that Lowell requests such a change for the following reasons: "1) to enable us to utilize underground storage for which we are presently in the process of negotiating, and 2) to provide a means for upgrading the utilization of such gas." The letter indicates that gas may be stored in Canada.

Petitioner states that its presently effective Rate Schedule G–6 provides in part that such service is available to any Buyer "which does not have available to it underground gas storage". The petition states that this provision impedes Lowell from obtaining underground gas storage while accepting gas under said rate schedule.

The petition states further that the natural gas which Lowell would store during the summer months for high priority uses during the winter months would be derived from a reduction in low priority summer sales presently being made from the gas it purchases from Petitioner. The presently effective maximum delivery obligation under Rate Schedule G–6 for Lowell is said to be 34,680 Mcf of gas and the proposed contract demand under Rate Schedule CD–6 will be substantially the same. Petitioner states that the proposed change in rate schedules will not affect its ability to render natural gas service to any of its other customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3183 Filed 2–7–74;8:45 am]

[Docket No. RP72–98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Refund Filing

JANUARY 31, 1974.

Take notice that on January 14, 1974 Texas Eastern Transmission Corporation (Texas Eastern) filed a report summarizing refunds made to each of its jurisdictional customers.

Texas Eastern states that the report is in accordance with the Commission's order of November 26, 1973 which approved a settlement of Texas Eastern's proposed rate increase in this docket.

Any person wishing to file comments on the refund report should do so on or before February 20, 1974 with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3181 Filed 2–7–74;8:45 am]

[Docket No. RI74–143]

TEXAS ENERGIES, INC.

Notice of Petition for Special Relief

FEBRUARY 4, 1974.

Take notice that on January 31, 1974, Texas Energies, Inc. (Petitioner), P.O. Box 9317, Amarillo, Texas 79105, filed a petition for special relief in Docket No. RI74–143, pursuant to section 2.76 of the Commission's General Policy and Interpretations.

Petitioner proposes to rework a well in Seward County, Kansas and sell the gas therefrom to Panhandle Eastern Pipe Line Company. Petitioner requests that a price of 35.0 cents per Mcf be allowed under Order No. 481 after the installation of equipment to pump off formation water in the subject well. Petitioner estimates that after the well is reworked an additional 46,000 Mcf per annum will be produced.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3186 Filed 2–7–74;8:45 am]

[Docket Nos. RP72–23, et al., RP73–35]

TRUNKLINE GAS CO.

Order Approving in Part and Suspending in Part Proposed Rate Increase

JANUARY 31, 1974.

On December 14, 1973, Trunkline Gas Company proposed changes in its FPC Gas Tariff, Original Volume No. 1[1] which reflect the tracking of increased advance payments pursuant to a tracking provision included in Article V of the Stipulation and Agreement in Docket No. RP72–23, et al., which was approved by our order issued April 11, 1972, 47 FPC 1036; and increased purchased gas costs to be collected under Trunkline's PGA clause. The rate adjustments provide for a 2.49¢ per Mcf increase over the currently effective rates which is the total of a 1.01¢ per Mcf increase to reflect the increased advance payments costs and a 1.48¢ per Mcf increase to reflect increased purchased gas costs. Trunkline proposes an effective date of February 1, 1974, for the filing.

Notice of the filing was issued on January 11, 1974, with all responses thereto due on or before January 22, 1974. On January 18, 1974, the Commission Staff filed comments alleging that Trunkline's advance payment tracking increase may not be "reasonable and appropriate for rate base treatment under Order No. 465," Staff further alleges that information submitted by Trunkline and

> * * * Natural Gas Pipeline Co. of America (Natural) [2] indicate[s] that these advances are not estimated to be fully utilized by the producers until as late as December, 1975. Staff believes such a "lag time" between the inclusion of the advance payments in Trunkline's rate base and full utilization of the advance payments by the producers may be excessive. Accordingly, Staff recommends that the Commission suspend Trunkline's advance payment tracking increase for one day, allow it to become effective, subject to refund, and set a hearing on the reasonableness and appropriateness of that filing under Order No. 465.

Staff also noted that Trunkline's PGA rate increase included a new small producer contract of 69.164¢ per Mcf made pursuant to Order No. 428 "which may be excessive and therefore unjust and unreasonable."

Our review of Trunkline's advance payment tracking rate increase indicates that it has not been shown to be "reasonable and appropriate" as required by Order No. 465. Moreover, our review of the 69.164¢ per Mcf small producer contract made pursuant to Order No. 428 indicates that the contractual rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept these two parts of Trunkline's rate filing for filing, suspend them for one day, until February 2, 1974, when they shall be permitted to take effect, subject to refund. Moreover, we shall provide that the issues raised by these parts of the filing be developed in an evidentiary proceeding.

Since our review of the remainder of Trunkline's purchased gas rate increase indicates that it is justified, we shall permit that part of Trunkline's filing to become effective on February 1, 1974, as proposed.

The Commission finds:

It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

[1] Ninth Revised Sheet No. 3–A.

[2] Natural assigned Trunkline a portion of its interest in certain advances in connection with the "Stingray" joint venture program entered into by the two pipelines.

(1) The part of Trunkline's December 14, 1973, filing covering the advance payment tracking increase and that part covering the new 69.164¢ Order No. 428 small producer contract be accepted for filing, suspended, and set for hearing as hereinafter ordered and conditioned.

(2) The part of Trunkline's filing covering the purchased gas rate increase, exclusive of such amounts associated with the 69.164¢ small producer contract mentioned in paragraph (1) above, be accepted for filing and made effective February 1, 1974, as proposed.

The Commission orders:

(A) The part of Trunkline's filing covering the purchased gas rate increase, exclusive of amounts associated with the 69.164¢ per Mcf small producer contract made pursuant to Order No. 428, is accepted for filing and made effective February 1, 1974, as proposed.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission rules and regulations (18 CFR, Chapter I), a prehearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on May 14, 1974, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. A hearing for the purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges contained in those parts of Trunkline's subject rate filing covering advance payments and the 69.164¢ per Mcf new small producer contract made pursuant to Order No. 428 (reserved issues) shall commence immediately following the prehearing conference.

(C) On or before March 5, 1974, Trunkline shall serve its prepared testimony and exhibits on the reserved issues.

(D) On or before April 2, 1974, the Commission Staff shall serve its prepared testimony and exhibits on the reserved issues. Any intervenor evidence on the reserved issues will be filed on or before April 11, 1974. Any rebuttal evidence by Trunkline on the reserved issues shall be served on or before April 30, 1974.

(E) Pending hearing and a decision thereon, the parts of Trunkline's filing covering the reserved issues are accepted for filing, suspended for one day and the use thereof deferred until February 2, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) Trunkline shall file a substitute tariff sheet which reflects the inclusion of that portion of the instant increase not subject to suspension or refund to be effective on February 1, 1974.

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

By the Commission.

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

[FR Doc.74-3189 Filed 2-7-74;8:45 am]

[Docket No. E-8607]

UNITED ILLUMINATING CO.

Notice of Termination

JANUARY 31, 1974.

Take notice that on November 21, 1973, the United Illuminating Company (United) tendered for filing a notice of termination for Rate Schedule FPC No. 30 which consists of a purchase agreement between United and Consolidated Edison Company of New York, Inc. (Consolidated), dated August 28, 1973. The Company states that the purchase agreement expired by its own terms at 2400 hours on October 18, 1973. According to United, service has been made upon Consolidated.

Any person desiring to be heard or to protest said filing 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 February 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-3180 Filed 2-7-74;8:45 am]

[Docket No. E-8274]

VIRGINIA ELECTRIC AND POWER CO.

Order Accepting for Filing, and Suspending Proposed Rate Increase, Providing for Hearing and Establishing Procedures

FEBRUARY 1, 1974.

On July 31, 1972 Virginia Electric Power Company (VEPCO) tendered for filing (1) a proposed suplemental to its rate to Cooperative Customers entitled Excess Facilities Service and (2) a revision of Electric Service Specifications for Prince William Electric Cooperative (Prince William) to provide services to that Cooperative under the terms of the Excess Facilities Service Supplement. In a letter dated August 31, 1972 the Secretary of the Commission informed VEPCO that its submittal was deficient and requested that the Company provide (1) the capitalization and the cost of the components within the capitalization to support the 8.25 percent rate of return used in the annual revenue requirements analysis and (2) VEPCO's derivation of the percentages used for property tax, insurance and gross receipts tax. On January 2, 1974, VEPCO responded to the Secretary's letter by resubmitting updated versions of the originally filed supplements.

The proposed supplement to VEPCO's rate to its REA Cooperative Customers specifies two separate monthly charges; (1) a monthly charge of 1.57 percent of the estimated installed cost of excess distribution facilities (rated below 69 KV), and (2) a monthly charge of 1.37 percent of the estimated installed cost of excess transmission facilities (rated at or above 69 KV).

VEPCO's supplement to its contract with Prince William provides for relay service under the new rate schedule to the cooperative. VEPCO requests an effective date of May 16, 1973, the date the 69 KV service was provided to Prince William.

Public notice of this filing was issued on January 15, 1974 which required that protests or petitions to intervene be filed on or before January 25, 1974. No petitions or protests have been filed.

Our review of VEPCO's filing indicates that it raises certain issues which may require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Moreover, since VEPCO's filing was not completed until January 2, 1974, we shall assign that date as the filing date in this proceeding.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the proposed rates and charges contained in VEPCO's contract supplements are in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a prehearing conference shall be held pursuant to Section 1.18 of the Commission's rules of practice and procedure on April 23, 1974, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. A hearing for purposes of cross-examination to determine if the rates, charges, classifications and services contained in VEPCO's proposed rate schedule and contract supplements are in the public interest and shall be held commencing on May 14, 1974.

(B) On or before April 16, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by VEPCO shall be served on or before April 30, 1974.

(C) Pending hearing and a final decision in this proceeding, VEPCO's pro-

posed rate schedule and contract supplements, tendered for filing on January 2, 1974, are suspended and the use thereof deferred until February 3, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-3188 Filed 2-7-74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANKCORP, INC.

Order Approving Acquisition of Bank

American Bankcorp, Inc., Lansing, Michigan, 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 of American Bank of Charlotte ("Bank"), Charlotte, Michigan, a proposed new 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, a recently formed bank holding company, has two subsidiary banks[1] with total deposits of approximately $211 million, representing 0.8 percent of the commercial bank deposits in Michigan.[2] Applicant ranks as the seventeenth largest banking organization in the State. Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of deposits held by commercial banks in Michigan.

Bank's proposed location is downtown Charlotte, which is located within the Lansing-Charlotte banking market (approximated by Ingham, Eaton, and Clinton Counties plus the Southeast corner of Ionia County). Both of Applicant's subsidiary banks are located in the Lansing-Charlotte banking market. Applicant, the second largest of fourteen banking organizations in the relevant market, controls about 21 percent of the total market deposits, while the largest banking organization in the market controls approximately 40 percent of the total market deposits. The two closest offices of Applicant's lead bank to Bank are located 12 miles northeast and 12 miles southeast, respectively, of Charlotte. Since this proposed acquisition involves the establishment of a de novo bank, no existing competition would be eliminated and no immediate increase in concentration of banking resources in the Lansing-Charlotte banking market would result.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects under Applicant's management appear favorable. Therefore, banking factors are consistent with approval of the application. The only banking organization presently represented in the Charlotte area is the largest banking organization in the market which has two branch offices located in Charlotte; Bank would be able to provide an alternative banking service for customers in that area. In addition, Bank will offer new services not now available to customers in the Charlotte area, such as longer banking hours, a computerized payroll servicing plan, and computerized accounts receivable financing and billing service. Considerations relating to the convenience and needs of the community lend weight toward approval of the application. It is the Board's judgment that 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 made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) American Bank of Charlotte, Charlotte, Michigan, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be 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[3] effective January 31, 1974.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.74-3200 Filed 2-7-74;8:45 am]

[1] One of Applicant's subsidiary banks is a recently formed bank located in Grand Ledge, Michigan. Applicant received approval to acquire that de novo bank from the Reserve Bank of Chicago, acting under delegated authority on October 10, 1973 and the bank opened for business on December 6, 1973.

[2] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973.

[3] Voting for this action: Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

AURORA FIRST NATIONAL CO.

Formation of Bank Holding Company

Aurora First National Company, Aurora, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The First National Bank in Aurora, Aurora, Nebraska. 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 Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 28, 1974.

Board of Governors of the Federal Reserve System, January 31, 1974.

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

[FR Doc.74-3198 Filed 2-7-74;8:45 am]

BANK OF VIRGINIA CO.

Order Approving Retention of Commonwealth Mortgage Company

Bank of Virginia Company, Richmond, Virgina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain indirect ownership of all the voting shares of Commonwealth Mortgage Company, Richmond, Virginia ("Commonwealth"), through merger of Commonwealth into a wholly-owned subsidiary of Applicant, BVA Credit Corporation, Richmond, Virginia ("BVA"). Commonwealth engages in the activities of making construction loans, mortgages on residential and commercial property, and the servicing of such mortgages. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 32974). 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 public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls 16 banks with aggregate deposits of approximately $1 billion representing about 9 percent of the deposits in commercial banks in Virginia.[1] Applicant's nonbanking sub-

[1] All banking data are as of June 30, 1973, and reflect bank holding company acquisitions approved through December 31, 1973.

sidiaries include a factoring company, a leasing corporation, and a consumer finance corporation. Applicant also controls a company engaged in the business of making loans to individuals secured primarily by second mortgages on real estate.

Applicant established Commonwealth de novo in January, 1969 under authority of section 4(c)(5) of the Act. Thereafter, in April, 1969, Commonwealth acquired Construction Mortgage Corporation ("Company"), a mortgage banking firm with offices in Richmond, Virginia, and Fayetteville, North Carolina. Applicant now seeks permission, through this application, to operate Commonwealth under the broader authority contained in section 4(c)(8) of the Act. The Board regards the standards for retention of shares in a nonbanking company under section 4(c)(8) to be the same as the standards for a proposed section 4(c)(8) acquisition. Accordingly, the Board must find that the acquisition and proposed retention of the nonbanking company could reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

At the time of its acquisition by Commonwealth, Company was engaged only in construction lending. Its net loans outstanding approximated $1.8 million, mostly in the Richmond SMSA, while at the same time, Applicant's banks and Commonwealth held construction loans with a total volume approximating $1,450,000, or 1 percent of all construction loans outstanding in the Richmond SMSA.[2] Based on these and other facts of record, the Board concludes that no meaningful existing competition was eliminated through Commonwealth's acquisition of Company and that little future competition was foreclosed.

Company's affiliation with Applicant has enabled Company to expand its range of services to include the origination of permanent mortgage loans on commercial property and the servicing of mortgage loans for long-term investors. In addition, Company now operates six mortgage offices—two in Richmond, Virginia, one each in Falls Church, Norfolk, and Roanoke, Virginia, and one in Raleigh, North Carolina. Such expansion has occurred through the provision of needed capital from Applicant. Moreover, Applicant has committed itself to supply additional capital to BVA upon Commonwealth's merger into this newly-created subsidiary. It appears likely that Commonwealth will continue to provide effective competition in those mortgage banking markets it serves following its retention by Applicant.

Additionally, there is no evidence in the record that would indicate that Applicant's acquisition and merger of Company into Commonwealth has resulted in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices, nor is there any reason or evidence to indicate that such effects would result from Applicant's retention of Commonwealth.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall not be consummated 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 Richmond pursuant to authority delegated herein.

By order of the Board of Governors,[3] effective January 31, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-3205 Filed 2-7-74;8:45 am]

CITY NATIONAL BANK CORP.

Order Approving Acquisition of Bank

City National Bank Corporation, Miami, Florida, 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 (except directors' qualifying shares) of the City Bank of North Miami, North Miami, Florida ("Bank"), a proposed new 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 received. The application has been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has three subsidiary banks with aggregate deposits of $464.2 million, representing 2.24 per cent of the total deposits held by commercial banks in Florida, and is the twelfth largest banking organization in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of deposits held by commercial banks in Florida.

Bank would be located in North Miami and would be competing in the greater Miami banking market (approximated by Dade County, plus those communities found in the southern portion of Broward County below Fort Lauderdale). Applicant's three subsidiary banks are located within the relevant market in which 42 banking organizations control 102 banks. Applicant is the second largest banking organization in the relevant market, controlling about 9 per cent of the total market deposits, while the largest banking organization in the market controls approximately 23 per cent of the total market deposits. Applicant's closest banking subsidiary is located 7.5 miles southeast of the site of the proposed new bank. Since this proposed acquisition involves the establishment of a proposed new bank, no existing competition would be eliminated and no immediate increase in concentration of banking resources would result in the greater Miami banking market. The Board concludes that consummation of the proposed acquisition will not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory, particularly in view of Applicant's commitment to furnish additional capital to its lead bank. Bank, as a proposed new bank, has no financial or operating history; however, its prospects under Applicant's management appear favorable. Therefore, banking factors are consistent with approval of the application. While there is no evidence that major banking needs of the residents of the greater Miami area are not being adequately served at the present time by existing banking offices, Bank would provide an alternative source for banking services. Accordingly, considerations relating to the convenience and needs of the community are consistent with approval of the application. It is the Board's judgment that the transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. However, 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 (c) City Bank of North Miami shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 31, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-3203 Filed 2-7-74;8:45 am]

[2] Applicant had only four construction loans, totaling about $44,000, outstanding in Fayetteville, North Carolina, where Company's other office was located.

[1] Banking data are as of June 30, 1973, adjusted to reflect holding company formations and acquisitions approved by the Board through December 1, 1973.

[2] Voting for this action: Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

[3] Voting for this action: Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

EXCHANGE NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Exchange National Corporation, Ardmore, Oklahoma, 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 per cent or more of the voting shares of Exchange National Bank and Trust Company, Ardmore, Oklahoma ("Bank").

Notice of receipt of the application, affording an 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. The Board 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)), and finds that:

Applicant is a nonoperating corporation formed for the purpose of becoming a bank holding company. Applicant proposes to acquire the outstanding shares of Bank through a reorganization of Bank under the Oklahoma Business Corporation Act. Bank (deposits of $33.6 million) is the second largest of five banks in Carter County (the relevant banking market) and the 37th largest bank in the State. Based upon its present deposit size, Bank controls approximately 36 per cent of the total commercial deposits in Carter County and 0.4 per cent of total State deposits. Consummation of the proposal herein would neither alter existing banking competition nor significantly affect potential competition and would not result in an increase in the concentration of banking resources in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant and Bank appear to be satisfactory and consistent with approval. Considerations relating to the convenience and needs of the communities involved are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the proposal should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (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 January 31, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-3197 Filed 2-7-74;8:45 am]

[1] Voting for this action: Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

F & M NATIONAL CORP.

Order Approving Acquisition of Peoples Loans, Incorporated

F & M National Corporation, Winchester, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Peoples Loans, Incorporated, Luray, Virginia ("Peoples"), a company that engages in the activities of making personal installment loans and acting as agent for the sale of credit life and credit accident and health insurance related to its extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 32846). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank with deposits of $91.8 million representing less than 1 per cent of total deposits in commercial banks in Virginia.[1] Applicant also controls all of the shares of Winchester Credit Corporation, Winchester, Virginia ("Winchester"), and, through Winchester, Rouss Finance Company, Winchester, Virginia ("Rouss"). Both Winchester and Rouss are small loan companies primarily making personal installment loans.

Peoples in a small loan company with total assets of approximately $363 thousand of which $352 thousand was in loan outstandings as of September 30, 1973. Peoples has shown a steady growth since its founding in 1968, having increased its outstandings from $66 thousand at year-end 1968 to its present level. However, there is some indication in the record that this growth will be limited in the future due to financial constraints. The great majority of Peoples' loan outstandings are personal installment loans with only a small amount of other types of loans, primarily discounted installment sales contracts. As of year-end 1972, Peoples had no automobile or farm-use loans outstanding.

The appropriate product line for analysis of this acquisition is personal installment loans within a geographic area approximated by Page County. Peoples has an estimated 11 percent of total personal installment loans outstanding in this market;[2] on this basis it ranks fifth among six organizations making direct personal installment loans in Page County. Applicant's banking and nonbanking subsidiaries do not appear to have a significant amount of such loans outstanding from the relevant market area so that consummation of this transaction would not have a substantial effect on existing competition. Moreover, there appears to be a sufficient number of potential entrants into the personal installment loan business in Page County so that the elimination of Applicant would not appear to have a substantial effect on future competition.

There is no evidence in the record that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects. Moreover, Applicant's acquisition of Peoples should provide positive public benefits in that it will provide for management succession as well as provide Peoples with the necessary capital to enable it to continue its prior record of growth and, thereby, better serve its market area.

As noted above, Peoples sells credit life and credit accident and health insurance in connection with extensions of credit it makes. Due to the limited nature of these insurance activities, it does not appear that Applicant's acquisition of Peoples' insurance activities would have any significant effect on existing or future competition.

Applicant's two nonbanking subsidiaries, Winchester and Rouss, were acquired by Applicant in 1970. Under the provisions of section 4(a)(2) of the Act, Applicant may not retain ownership of these companies beyond December 31, 1980 without Board approval. Applicant has not yet filed applications to retain shares of these companies nor has the Board in its consideration of the instant proposal passed on the merits of such retention. Under these circumstances, the Board believes that it would be in the public interest to approve the acquisition of Peoples on the condition that Applicant maintain the assets of Peoples separate and apart from those of either Winchester or Rouss and, upon consummation of the proposal, operate Peoples as a separate business entity. This condition may be lifted at such time as the Board has an opportunity to make a determination on any application filed to retain the shares of Winchester or Rouss.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors that the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to the condition noted above and to the further conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the

[1] All banking data are as of June 30, 1973.
[2] This includes personal installment loans made by banks and small loan companies.

effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[2] effective January 30, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-3204 Filed 2-7-74;8:45 am]

INTEGRITY HOLDING CO.

Revised Order Approving Formation of a Holding Company

Integrity Holding Company, Wilmington, Delaware, 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 55 per cent of the voting shares of Integrity Finance Corporation,[1] Wilmington, Delaware, and thereby the indirect acquisition of 34 per cent of the voting shares of The First National Bank of Wilmington ("Bank"), Wilmington, Delaware. Applicant, in addition, intends to acquire directly 4.5 per cent of the voting 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. 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, a newly organized nonoperating corporation, was formed for the purpose of acquiring shares of Bank (deposits of $11 million).[2] Since Applicant has no present operations or subsidiaries, there would be no adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant depend on those of Bank. These prospects appear less than favorable. However, Applicant has committed itself to provide additional capital to Bank and certain management assistance to Bank; banking factors therefore lend support to approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight to approval of the application. 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 made (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 Philadelphia, pursuant to delegated authority.

By order of the Board of Governors,[3] effective January 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-3201 Filed 2-7-74;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Mitchell.

[1] Integrity Finance Corporation engages in no activity other than holding stock of The First National Bank of Wilmington, Wilmington, Delaware, and leasing bank premises to that bank.

[2] All banking data are as of June 30, 1973.

MID AMERICA BANCORPORATION, INC.

Order Denying Acquisition of Bank

Mid America Bancorporation, Inc., Mendota Heights, Minnesota, 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 100 percent of the voting shares (less director's qualifying shares) of The First National Bank of Lakeville, Lakeville, Minnesota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 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 eight banks with total deposits of $105 million, representing .9 percent of total commercial bank deposits held by Minnesota banks, and is the sixth largest banking organization in the State. (All banking data are as of June 30, 1973, and reflect formations and acquisitions approved through December 31, 1973.) The acquisition of Bank ($8 million deposits) would increase Applicant's share of deposits by less than one percent and its rank among the State's banking organizations would not change. It appears, therefore, that consummation of the proposal would not result in a significant increase in the concentration of banking resources in the State.

Bank, the only commercial bank in Lakeville, is located just within the perimeter of the Minneapolis-St. Paul banking market and, with .1 of one percentage point of the total deposits in the market, is one of the smaller banking organizations operating therein. With seven of Applicant's subsidiary banks operating in the relevant market, Applicant controls 1.5 per cent of market deposits and is the sixth largest banking organization in the market. The nearest office of any of Applicant's subsidiary banks to an office of Bank is 13 miles to the north, and it appears that there is no significant present competition between any of Applicant's subsidiary banking offices and Bank. Moreover, in view of the distances involved and the large number of banking organizations in the market (over 100), it appears unlikely that consummation of the proposal would foreclose the development of significant potential competition between Applicant and Bank. Accordingly, the Board regards competitive considerations as being consistent with approval of the application.

The present financial condition and managerial resources of Applicant are considered to be generally satisfactory. However, in connection with the proposed acquisition of Bank, Applicant would incur a debt of approximately $1.5 million in order to finance the purchase of Bank and to provide capital for its subsidiary banks. Since becoming a one-bank holding company in January 1969, Applicant has acquired seven additional banks, including three de novo institutions. In the Board's view, the increased debt position attributable to the proposed acquisition could impair Applicant's future ability to meet the capital needs of its existing subsidiaries, particularly the newly formed banks. In this connection, the Board has previously indicated its position that a holding company should be a source of financial strength for the banks in its system and that every proposed acquisition should be closely examined to determined whether consummation thereof would serve the best interest of the public as well as the banks in the holding company system. In reviewing such factors in this case, it is the judgment of the Board that the financing plan proposed by Applicant does not provide Applicant with the necessary financial flexibility to meet the financial needs of its present subsidiary banks or Bank. Consequently, on the basis of the facts of this case, the Board finds that considerations relating to the banking factors lend weight for denial of the application.

With respect to convenience and needs considerations, there is no evidence in the record that the major banking needs of the communities to be served are not being met by existing institutions. Applicant states that it will assist Bank in expanding its commercial lending activities and may provide Bank with new banking facilities. While the proposed assistance to be rendered could possibly enable Bank to better serve the public, Applicant's ability to provide meaningful assistance to Bank appears doubtful in view of its proposed debt structure and the need to service its other subsidiary banks with additional capital. Moreover, the ability of Applicant's other subsidiaries to continue their present range of banking services may be hampered because of Applicant's impaired capacity, under the financing plan proposed, to provide its subsidiaries with additional capital if the need arises. Thus, the Board is unable to conclude that considerations relating to the con-

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

venience and needs provide any weight for approval of the application.

In its consideration of the proposal, the Board noted that the application contains information indicating a previous purchase of the stock of Bank by the Chairman of the Board of Applicant pending a Board determination with regard to the proposed acquisition. The record also indicates that there is an agreement between Applicant and its Chairman whereby the Chairman, if required to sell the stock to other than Applicant, would be reimbursed for any loss incurred by such sale of the bank stock not to exceed 25 per cent of the contract price, and that Applicant would share in a portion of any profits resulting from such sale. As recently noted in another case involving a similar agreement with an indemnification clause between an Applicant and one of its officers, the Board is seriously concerned with proposals that indicate a holding company, acting through its officers or directors, may have gained control of the shares of a bank (or nonbank concern) without specific Board approval, as required by the Act.[1] Accordingly, to reemphasize the point earlier noted by the Board, bank holding companies should be circumspect in entering into any agreement which might reasonably indicate that the holding company has in fact acquired a measure of control over the shares involved, since such action could subject the company to criminal penalties under § 8 of the Act. On this basis, and in view of the Board's action herein, Applicant should desist from taking any direct or indirect action to control the management or policies of Bank and should take all appropriate action to terminate any control relationship that may exist with respect to shares of Bank.

On the basis of all the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that the proposed acquisition would result in a bank holding company with financial resources inadequate to service its debt without undue risk to the financial condition of its present subsidiaries and Bank, and that such condition could impair the ability of such banks to meet the needs of the communities served. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest, and that the application should be denied.

By order of the Board of Governors,[2] effective January 31, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-3202 Filed 2-7-74;8:45 am]

[1] See Board Order of January 9, 1974, relating to the applications of Jacobus Company and Inland Financial Corporation, both of Milwaukee, Wisconsin, to acquire Heritage Bank of West Bend, West Bend, Wisconsin.

[2] Voting for this action: Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temp. Reg. D-43]

FEDERAL EMPLOYEE PARKING

Policies and Procedures

1. *Purpose.* This regulation prescribes new policies and procedures pertaining to Federal employee parking. The regulation sets forth minimum criteria for developing employee carpooling plans for review by the Administrator of General Services and his recommendation of approval or disapproval to the Administrator, Federal Energy Office.

2. *Effective date.* This regulation is effective on February 8, 1974.

3. *Expiration date.* This regulation expires July 31, 1974, unless sooner revised or superseded. Prior to the expiration date, a permanent regulation will be issued. (See paragraph 15, Comments.)

4. *Applicability.* The provisions of this regulation apply to all Federal agencies as defined in paragraph 6d, below.

5. *Background.* This regulation is issued pursuant to Federal Energy Office (FEO) memorandum dated January 17, 1974, and Federal Management Circular 74-1 dated January 21, 1974.

6. *Definitions.* a. *Agency parking.* Vehicle parking spaces under the jurisdiction and/or control of a Federal agency which are used for parking Government vehicles, other official vehicles, visitor vehicles, and employee vehicles.

b. *Carpool.* A group of two or more people using a motor vehicle for transportation to and from work.

c. *Employee parking.* The parking spaces assigned for the use of employee-owned vehicles other than those classified as "official parking."

d. *Federal agency.* Any executive department, independent commission, board, bureau, office, agency, Government owned or-controlled corporation, or other establishment of the Government, including any regulatory commission or board and the municipal government of the District of Columbia but not the legislative or judicial branches of the Government. For the purposes of this regulation the terms "Federal agency" and "agency" are synonymous.

e. *Handicapped employees.* Employees so severely physically handicapped as to prohibit or make unreasonably difficult the use of public transportation. Justification for this priority may require certification by the Public Health Service or an agency medical unit.

f. *Official parking.* Parking spaces reserved for Government-owned, Government-leased, or privately owned vehicles regularly used for Government business. The phrase "privately owned vehicles regularly used for Government business" means vehicles used 12 or more workdays per month for Government business for which the employee receives reimbursement for mileage and parking fees under Government travel regulations. Monthly certification by agency heads may be required to establish this priority.

g. *Parking space.* The area allocated in a parking facility for the temporary storage of one motor vehicle.

h. *Regular member.* A person who travels daily (leave excepted) in a carpool for a minimum distance of 1 mile each way. In addition, an agency may define a regular member as one whose worksite is located within a specific but reasonable distance from the parking facility.

i. *Visitor parking.* Parking spaces reserved for the exclusive use of visitors to Federal facilities.

7. *Policies.* Agencies shall encourage the conservation of energy by reflecting the following policies in their plans:

a. *Parking.* In assigning employee parking spaces, each agency shall comply with the following policies:

(1) Not more than 10 percent of the spaces available for employee parking shall be assigned to executive personnel, severely handicapped employees, and persons who are assigned unusual hours;

(2) At least 90 percent of the spaces available for employee parking shall be assigned to carpools;

(3) Where practical, the 10/90 ratio shall be applied at each Federal facility;

(4) Those parking spaces reserved for carpools shall be assigned on the basis of the number of members in a carpool; and

(5) For the purpose of allocation of parking spaces for carpools, full credit shall be given to any regular member regardless of where he is employed except that at least one member of the carpool must be a full-time employee of the agency.

b. *Two-wheeled vehicles.* Agencies shall reserve areas within parking facilities for the use of bicycles and other two-wheeled vehicles. Bicycles shall be given special consideration, and the number of parking spaces reserved for bicycles and other two-wheeled vehicles shall be re-evaluated every 6 months.

c. *Regular hours.* Agency managers and supervisors shall make every effort to maintain regular arrival and departure times for all employees. Supervisors are reminded of their prerogative, within overall agency policy, to adjust the scheduled duty hours of individual employees to facilitate carpooling and the use of mass transit.

8. *Assignment of agency parking spaces.*—a. *Assignment.* Agencies shall give first priority to official and visitor parking requirements when assigning parking spaces. Parking spaces not required for official or visitor parking shall be assigned for employee parking at the 10/90 ratio. Assignment of spaces to carpools shall be based on the number of regular members in the carpool. Carpools with the highest number of regular members shall receive the highest priority in receiving parking spaces; e.g., a carpool with six regular members shall be assigned a parking space before a carpool with five regular members. In determining the number of regular members in a carpool, a person who does not travel on a daily basis or who travels one way shall be counted on a pro rata basis;

e.g., an individual who travels to and from work 3 days each week shall be counted as three-fifths of a regular member, and one who travels one way each day of the week shall be counted as one-half of a regular member.

b. *Tiebreaking criteria.* Where there are carpools with an equal number of regular members which exceed the number of parking spaces available for assignment, ties shall be broken primarily by assigning spaces to those carpools whose full-time members have the highest total number of years of Federal service as determined by their service computation dates. In addition, in breaking ties the agency may also consider the distance traveled and the availability of public transportation.

9. *Leased or contractor-operated parking spaces.* When parking spaces are controlled by specific lease or other contractual agreements, appropriate agency contracting officers shall endeavor to amend the contracts to the extent necessary to accomplish the policies prescribed in this regulation, provided the amendments are not otherwise adverse to the best interests of the Government. Where it is not economically prudent to amend existing contracts, the contracts shall be modified before renewal to comply with the prescribed parking policies.

10. *Guidelines for implementation.* Agencies shall be responsible for assigning employee parking spaces. Each assigning authority (headquarters or field installation) shall prepare written plans and procedures for the assignment of parking spaces. These plans and procedures shall be effective not later than March 9, 1974, and shall include as a minimum the following items:

a. Specific methods and procedures to be followed by the agency in the assignment of employee parking spaces;

b. Assistance available to employees in establishing or joining carpools and the procedures to be followed in filing applications for parking spaces;

c. Provision for at least an annual review and reassignment of all parking spaces;

d. Procedures for interim reassignment and replacement caused by membership turnover;

e. A definition of employee responsibility in the use of the parking spaces and in promptly reporting any changes in the number in or membership of carpools;

f. A statement of penalties for misrepresentation of carpool applications (A mandatory penalty of at least 6 months' suspension of the privilege of parking on a Federal facility shall be imposed for misrepresentation of carpooling membership, application qualifications, or for violation of other agency carpooling practices and requirements. The agency may also impose other penalties where appropriate.);

g. Provision for enforcing the parking rules and regulations; and

h. A system for maintaining carpool records and files.

(1) The records, as a minimum, shall contain the name, address, social security number, and employer for each carpool member and the parking permit number.

(2) In order to avoid overlap and duplication of carpool records, each agency shall maintain a listing of the members of carpools who are using its spaces regardless of where they are employed.

(3) The General Services Administration, with the cooperation of the U.S. Civil Service Commission, will maintain a master listing of members of carpools for all parking facilities in each geographical area, or will designate one agency to maintain such a listing.

11. *Assistance from GSA.* In order to facilitate the formation of carpools, the Administrator of General Services, with the cooperation of the agencies involved, will provide assistance through the use of such aids as computerized carpool matching or carpool boards. He will also develop reciprocal agreements with private sector employers through State or local government agencies or other organizations operating carpool matching programs for the public and/or private sectors.

12. *Reporting system.* a. Each agency shall submit a report by March 7, 1974, to the Administrator of General Services. Interagency Reports Control No. 0024–GSA–OT–W has been assigned to this report. This report shall include:

(1) The following information summarized for all facilities under the control or jurisdiction of the agency, based on the parking assignments as of the date of this regulation (Facilities allocated to the agency in multi-agency-occupied buildings shall be included. Isolated facilities under the control and jurisdiction of one agency with less than 25 parking spaces shall be exempt from this reporting requirement.):

(a) Number of full-time employees;

(b) Total number of parking spaces; itemized to show the number used for:

i. Government-owned or-leased vehicles,

ii. Other official parking,

iii. Visitor vehicles, and

iv. Employee vehicles;

(c) Number of parking spaces used by carpools; and

(d) Number of employees using carpool spaces;

(2) A copy of the agency's overall plan for meeting the policy of energy reduction through increased employee use of carpooling as detailed in paragraph 10, "Guidelines for implementation" (The Administrator of General Services will review the plan and recommend its approval or disapproval to the Administrator, Federal Energy Office), and

(3) A specific plan for each facility where it is not practical to meet the 10/90 ratio. The Administrator of General Services will review the plan and recommend its approval or disapproval to the Administrator, Federal Energy Office. In addition, data required in paragraph 12a(1)(a) through (d), above, shall be submitted for each facility where it is not practical to meet the 10/90 ratio.

b. Each agency shall submit a followup report to the Administrator of General Services by June 1, 1974. This report shall summarize the parking space assignment data for all facilities under the control or jurisdiction of the agency and shall be based on the situation which exists on May 15, 1974. Isolated facilities under the control and jurisdiction of one agency with less than 25 parking spaces shall be exempt from this reporting requirement. This report shall include:

(1) The same information required in paragraph 12a(1)(a) through (d), above;

(2) Plans for the use of excess parking spaces remaining after all assignments have been made in accordance with the 10/90 ratio; and

(3) Data required in paragraph 12a(1)(a) through (d), above, for each facility where it is not practical to meet the 10/90 ratio.

13. *Exceptions.* Exceptions to the policies set forth in this regulation must be submitted to the Administrator of General Services who will recommend approval or disapproval to the Administrator, Federal Energy Office.

14. *Inquiries.* Further information concerning this regulation may be obtained from:

General Services Administration (PR),
Washington, DC 20405.
Telephone: IDS 183–4276, FTS 202–343–4276.

15. *Comments.* Comments concerning this regulation from agencies, employee groups, and others concerned should be submitted to the General Services Administration (PR), Washington, DC 20405, no later than June 1, 1974, for consideration in preparing the permanent regulation.

16. *Effect on other issuances.* The provisions of FPMR 101–19.111, Vehicle Parking Facilities (41 CFR 101–19.111), to the extent inconsistent with this temporary regulation, are superseded.

ARTHUR F. SAMPSON,
Administrator of General Services.

FEBRUARY 6, 1974.

[FR Doc.74–3372 Filed 2–7–74;10:01 am]

[Federal Property Management Reg., Temp. Reg. A–9]

TRAVEL MODE FOR OFFICIAL GOVERNMENT TRAVEL

Mileage Allowances and Selection Criteria

1. *Purpose.* This regulation establishes increases in the mileage allowances for the use of a privately owned conveyance on official business and provides additional factors to be considered in selecting a particular mode of travel.

2. *Effective date.* This regulation is effective for travel performed on and after February 8, 1974.

3. *Expiration date.* This regulation expires July 31, 1974. Prior to the expiration date, this regulation will be incorporated, as appropriate, in the Federal Travel Regulations, FPMR 101–7.

4. *Background.* a. Under 5 U.S.C. 5704 (a)(2), an employee may be paid a mile-

age allowance of not more than 12 cents per mile when using a privately owned automobile or airplane for official business. The Federal Travel Regulations prescribe a uniform rate of 11 cents per mile for the use of a privately owned automobile or airplane when such use is advantageous to the Government. Conservation of energy is not presently a factor in determining the mode of transportation for official travel.

b. In a recent study conducted by the General Services Administration, it was determined that the 11 cent mileage rate does not adequately reimburse an employee for the costs incurred in operating a privately owned automobile or airplane.

5. *Explanation of changes.* The following changes are made in the Federal Travel Regulations (FTR) which are incorporated by reference into 41 CFR 101–7 and transmitted by GSA Bulletin FPMR A–40:

a. Paragraph 1–1.3c is amended by adding new subparagraphs (3) and (4), reading as follows:

1–1.3. *General rules.*

* * * * *

(3) *Government-furnished automobile.* For the purposes of this regulation, the term Government-furnished automobile includes an automobile which is owned by an agency, an automobile which is assigned or dispatched to an agency on a rental basis from a GSA interagency motor pool, or an automobile which is leased by the Government for 30 days or longer from a commercial firm.

(4) *Government-contract rental automobile.* A Government-contract rental automobile is an automobile furnished by a commercial firm under the provisions of the General Services Administration (GSA) Federal Supply Schedule contracts.

b. Paragraph 1–2.2 is amended by revising subparagraphs 1–2.2b and c to read as follows:

1–2.2. *Methods of transportation.*

* * * * *

b. *Selecting method of transportation to be used.* Travel on official business shall be by the method of transportation which will result in the greatest advantage to the Government, cost and other factors considered. In selecting a particular method of transportation to be used, consideration shall be given to energy conservation and to the total cost to the Government, including costs of per diem, overtime, lost worktime, and actual transportation costs. Additional factors to be considered are the total distance of travel, the number of points visited, and the number of travelers. The provisions of 5 U.S.C. 5733 require that the travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.

c. *Presumptions as to most advantageous method of transportation*—(1) *Common carrier.* Since travel by common carrier will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized only when the use of common carrier transportation would seriously interfere with the performance of official business, or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling.

(2) *Government-furnished automobiles.* When it is determined that common carrier transportation is not advantageous to the Government and that an automobile is required for official travel, a Government-furnished automobile shall be used. Privately owned or special conveyances may be used only when a Government-furnished automobile is unobtainable or its use would seriously interfere with the performance of official business. Personal preference or minor inconvenience shall not be the basis for authorizing the use of private or special conveyances in lieu of a Government-furnished automobile.

(3) *Privately owned conveyance.* The use of a privately owned conveyance shall be authorized only when such use is advantageous to the Government. A determination that the use of a privately owned conveyance would be advantageous to the Government shall normally be made by the agency when the use of a commercially rented automobile or other special conveyance would otherwise be authorized for the travel involved. A determination that the use of a privately owned conveyance would be advantageous to the Government shall be preceded by a determination that common carrier transportation or Government-furnished vehicle transportation is not available or would not be advantageous to the Government. To the maximum extent possible, these determinations and the authorization to use a privately owned conveyance shall be made prior to the performance of travel.

(4) *Special conveyance.* Commercially rented vehicles and other special conveyances shall be used only when it is determined that use of other methods of transportation discussed in 1-2.2c would not be more advantageous to the Government. In the selection of commercially rented vehicles, first consideration shall be given to Government-contract rental vehicles available under the GSA Federal Supply Schedule contracts.

* * * * *

c. Paragraph 1–4.2a is revised to read as follows:

1–4.2. *When use of a privately owned conveyance is advantageous to the Government.*

a. *Mileage rate determinations.* When it is determined that use of a privately owned conveyance by the traveler is advantageous to the Government as provided in 1–2.2c (3), the mileage rates shall be as follows:

(1) For use of a privately owned motorcycle, 8 cents per mile.

(2) For use of a privately owned automobile or airplane, 12 cents per mile.

* * * * *

d. Paragraph 1–4.2c(1) is amended in line 2 by changing the allowance from "11 cents" to "12 cents."

e. Paragraph 1–4.2c(2) is amended in line 2 by changing the allowance from "11 cents" to "12 cents."

f. Paragraph 2–2.3 is amended by revising subparagraph 2–2.3b to read as follows:

2–2.3.

For use of a privately owned automobile in connection with permanent change of station.

* * * * *

b. *Mileage rates prescribed.* Payment of mileage and per diem allowances, when authorized or approved in connection with the transfer, shall be allowed as follows:

Occupants of automobile	*Mileage rate (cents)*
Employee only, or one member of immediate family	8
Employee and one member, or two members of immediate family	10
Employee and two or more members, or three or more members of immediate family	12

* * * * *

ARTHUR F. SAMPSON,
Administrator of General Services.

FEBRUARY 6, 1974.

[FR Doc.74–3394 Filed 2–7–74;11:13 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE PLUS ENVIRONMENTAL ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Architecture Plus Environmental Arts Advisory Panel to the National Council on the Arts will be held at 10 a.m. on February 11, 1974, at 10 a.m. on February 12, 1974, at 10 a.m. on February 13, 1974, and at 10 a.m. on February 14, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation of the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74–3217 Filed 2–7–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 8210; 812–3355]

CONSOLIDATED GOLD FIELDS LIMITED

Notice of Filing of Application

Notice is hereby given that Consolidated Gold Fields Limited, 49 Moorgate, London, EC2R 6BQ, England ("Appli-

cant"), a United Kingdom Corporation, has filed an application for an order of the Commission pursuant to section 3 (b) (2) of the Investment Company Act of 1940 (the "Act") declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a holding company which is engaged through subsidiaries in a variety of activities in many parts of the world, wishes to offer its securities for sale in the United States. Because more than 40 percent of Applicant's assets are invested in certain South African ventures in which it owns a less than majority interest, Applicant comes within the definition of "investment company" contained in section 3(a)(3) of the Act. Applicant, however, applies for an order pursuant to section 3(b)(2) of the Act declaring it to be primarily engaged in a business or businesses other than that of an investment company. Section 3(b)(2) excludes from the definition of "investment company", notwithstanding section 3(a)(3),

> "Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

Applicant contends that it is primarily engaged in mining and related activities, and, in support of this claim, it has submitted certain statements concerning its historical development, the nature of its present assets, and the sources of its present income.

Applicant, incorporated in the United Kingdom in 1887 for the purpose of developing certain gold-bearing reefs in South Africa, now administers 17 mining and metallurgical operations in that continent. In 1959 it formed a wholly-owned subsidiary called Gold Fields of South Africa Limited ("GFSA") to manage its South African ventures. Applicant claims that it continues to administer its South African mining ventures although it reduced its interest in GFSA to 49 percent in 1971. Applicant has expanded into other geographical and operational areas during the last 15 years so that at the present time only one-third of the total revenue of the companies it oversees is derived from African operations. At present, its principal interests outside South Africa are in Australia and in the United Kingdom. In Australia, Applicant is engaged through its indirectly held majority-owned subsidiary, Consolidated Gold Fields Australia Limited, in the production of iron, copper, and other minerals. In the United Kingdom, Applicant, through its wholly-owned subsidiary, Amey Roadstone Group ("Amey"), is engaged principally in the production of sand, gravel, and ready-mix concrete. Through its wholly-owned subsidiary, Gold Fields American Corporation, Applicant owns a majority of the shares of Azcon Corporation, a United States company, which formerly produced zinc but which is now engaged in the manufacture of drilling equipment and the sale of steel products. At present, 80,000 persons are employed by Applicant and the more than 200 companies which it administers throughout the world. Applicant asserts that it has always maintained a portfolio of marketable securities, apart from securities of subsidiaries or controlled companies, which has served as a repository for cash not then needed in its business but which would be available as and when mining opportunities presented themselves.

Applicant's assets, on an unconsolidated basis, as of June 30, 1972, adjusted pro forma for a subsequent acquisition of all of the shares of The Amey Group Limited ("Amey Group") and other than cash items, were composed of the following items:

TABLE I

	£'000,000	Percent
Securities of at least majority-owned subsidiaries which are not investment companies	211.2	51.7
Investment securities (including securities of claimed controlled companies)	192.2	47.1
Current and miscellaneous assets other than cash items	5.1	1.2
Total	408.5	100.0

Applicant's assets, on a consolidated basis, as of June 30, 1972, adjusted pro forma for The Amey Group acquisition were composed of the following items:

TABLE II

	Book value with quoted securities at market value in £'000,000 and without deduction for current liabilities	Percent
Identified operational assets	348.2	7.40
All other assets including investment assets	122.5	26.0
Total	470.7	100.0

"Identified operational assets" are all cash items and all assets devoted to identified non-investment company operations of Applicant, wholly-owned and majority-owned subsidiaries of Applicant, and mining companies which Applicant claims to control and administer. "All other assets" include assets invested in non-controlled companies, less than majority-owned controlled companies engaged in businesses other than mining, all companies which it does not administer, and assets, not devoted to identified non-investment company operations, of Applicant, its wholly-owned and majority-owned subsidiaries, and of mining companies which Applicant claims to control and administer.

For the fiscal year ending June 30, 1972, Applicant had profits and revenues of £35.1 million. The following table, which is divided into categories corresponding to those described in the table immediately above, contains an analysis of the sources of these profits and revenues, adjusted to give effect pro forma to the acquisition of all of the shares of The Amey Group:

TABLE III

	£000,000	Percent
Profits and revenues from identified operations	21.6	61.7
Profits and revenues from all other sources including investments	13.4	38.3

Applicant represents that as of the last amendment to its application, dated October 10, 1973, no material changes in the Applicant's situation had occurred that would adversely affect the merits of the application.

Applicant asserts that it controls the operations of GFSA, a holding company whose management functions are performed by Gold Fields Mining and Development Limited ("GFMD"), a wholly-owned subsidiary of GFSA, and that through GFSA it administers the operations of those mines in which GFSA is invested or in which Applicant and GFSA are invested. In support of its contention, Applicant represents (1) it owns 49 percent of the outstanding shares of GFSA and no other person or group of persons owns more than 10.96 percent of the shares of GFSA; (2) of GFSA's 15 directors, 4, including the chairman and chief executive officer of GFSA, are also directors of Applicant, and 5 of the remaining directors are full-time employees of GFMD; of GFMD's 8 directors, 3 are directors of Applicant and the remaining 5 are the full-time employees of GFMD who are also directors of GFSA; and (3) GFSA's main activities are the provision through GFMD of services to the 5 gold mines owned by companies in which Applicant owns from 29 percent to 43 percent of the voting interests either directly or through one or more subsidiaries or controlled companies. These services include appointing all senior staff, nominating a majority of each of the boards of directors of those mining companies, and providing a full range of engineering, exploration, secretarial and related services. (GFSA and Applicant also own a 46 percent interest in a company (5 of whose 7 directors are either directors of Applicant or full-time employees of GFMD) which owns approximately 30 percent of the shares of Rustenburg Platinum Mining Limited ("Rustenburg"), which operates the largest platinum mine in the world. The mine is operated as a joint venture among Applicant and the two other shareholders of Rustenburg who own approximately 37 percent and 33 percent of

its shares respectively. Applicant does not claim to administer Rustenburg, 4 of whose 12 directors are either directors of Applicant or full-time employees of GFMD).

Applicant claims that in each geographical area in which there are companies administered by Applicant (e.g. South Africa, Australia, United States, Canada, United Kingdom) operations are conducted within a broad policy framework laid down in consultation with Applicant's headquarters in London. Major personnel decisions are referred to London. In addition, capital projects, acquisition programs, and other substantial items when the total cost of a project exceeds limits, are referred to London.

Applicant represents itself to the public as being an international mining and industrial group whose principal activities cover mining finance, exploration and development, the promotion of mining companies, investment and the management and administration of subsidiary and associated companies operating in mining construction materials, industry and commerce. The prices of Applicant's shares are quoted in British newspapers under the headings "Mines" and "Mining."

Notice is further given that any interested person may, not later than February 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 25, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3224 Filed 2-7-74;8:45 am]

ADVISORY COMMITTEE ON A MODEL COMPLIANCE PROGRAM FOR BROKER-DEALERS

Preliminary Draft of Guide

The Securities and Exchange Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers has completed a Preliminary Draft of a Guide to Broker-Dealer Compliance (Guide). It is designed to assist management and supervisory personnel of broker-dealers, both large and small, in complying with applicable regulatory standards. The Commission in establishing the Advisory Committee announced that its function was not to suggest an expansion of current rules, but "to educate broker-dealers as to existing requirements and how they may comply with them." (Securities Exchange Act of 1934, Release No. 9835.)

The Committee wishes to emphasize that the Guide is not intended to be a compliance manual which can be adopted word for word by a broker-dealer. Rather, the Guide attempts to set forth the major applicable regulatory requirements and to suggest procedures to aid in achieving compliance. It is hoped that the Guide will assist the broker-dealer in preparing or supplementing its own compliance manual and in designing and establishing a compliance program tailored to its particular business and operations.

It should be noted that the Advisory Committee's recommendations are not in final form and may be revised as a result of the suggestions to be received. Furthermore, the preliminary draft has not been submitted to the Commission for its consideration, and in its present state, the Guide reflects only the initial views of the Advisory Committee.

Copies of the Preliminary Draft of the Guide are available to the public. The Committee solicits suggestions from the broker-dealer community, the securities industry, the securities bar, the accounting profession and other interested members of the public. Most of the Chapters have been prepared pursuant to a standard format which consists of three parts: the general requirements which describe in broad outline the applicable laws, rules and regulations; special problems arising in connection with such requirements and suggested procedures to assist in complying with such requirements. The Committee asks that in making suggestions the following questions be considered:

1. Is there any major area of securities regulation not covered by the Guide which should be included?

The Committee is aware that securities law is rapidly developing and, indeed, proliferating and that new areas of concern and interest to broker-dealers continually arise. Many such areas are evident today. The Preliminary Draft deals with a number of these areas, for example, the regulation of options and tax sheltered programs. These types of securities have recently come into widespread use and are already covered by a definite body of securities law. The Committee recognizes that there are other areas where major regulatory developments may be foreshadowed, such as commodity options, franchises, and pyramid plans. These are not covered in the Guide, however, because in the opinion of the Committee they are not yet in sufficiently broad use by broker-dealers to justify separate treatment.

2. Are there additional special problem areas which should be added?

The Committee has focused on significant problems, especially those which are recent developments or to which the new broker-dealer or, indeed, some established broker-dealer might not be alert.

3. What additional procedures should be considered for inclusion in the Guide?

The Committee wishes to emphasize that suggestions for procedures aimed at insuring compliance should be feasible for adoption by the small broker-dealer and not just by the larger firm.

Copies of the Preliminary Draft of the Guide may be obtained upon written request to: Howard T. Sprow, Chairman, SEC Advisory Committee on a Model Compliance Program for Broker-Dealers, One Liberty Plaza, New York, New York 10006.

Interested persons may submit suggestions for the Guide, in writing, on or before April 1, 1974 to: Committee Chairman Howard T. Sprow, at the address indicated above, with a copy to Sidney T. Bernstein, Secretary of the SEC Advisory Committee on a Model Compliance Program for Broker-Dealers, 500 North Capitol Street, Washington, D.C. 20549.

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[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

Securities and Exchange Commission.

JANUARY 24, 1974.

[FR Doc.74-3230 Filed 2-7-74;8:45 am]

[Filed No. 500-1]

ASSOCIATES INTERNATIONAL, INC.

Notice of Suspension of Trading

JANUARY 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Associates International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) on January 30, 1974, through midnight (e.d.t.) on February 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3220 Filed 2-7-74;8:45 am]

[31-720]

CITIES SERVICE OIL CO.

Filing of Application

JANUARY 30, 1974.

Notice is hereby given that Cities Service Oil Company, 110 West 7th Street, Box 300, Tulsa, Oklahoma 74102 ("Cities Service"), has filed an application and amendments thereto pursuant to section 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring it not to be a gas utility company for the purposes of the Act. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Cities is an integrated oil company primarily engaged in exploration for, and development, production, and sale of, crude oil and natural gas, and in refining, transporting, buying, and selling crude petroleum and products derived therefrom. The company carries on its operations in 46 states and in the District of Columbia. At December 31, 1972, Cities Service and its subsidiaries had assets of $1,255,023,171 and gross revenues of $1,192,373,048 for the twelve months then ended. $78,036 of such revenues were derived from retail sales of natural gas made by the company in the states of Kentucky ($68,547), Maryland ($90), and West Virginia ($9,399) to residents of said states in an area in close proximity to the company's producing properties or gas pipelines. Such amount of gross revenues from gas sales totals less than one hundreth of one percent of Cities Service's operating revenues. It is stated that under Kentucky law property owners whose property and point of desired service is located within one-half air mile of a company's producing gas well or gas gathering pipeline have the right to obtain gas service at rates and minimum monthly charges determined by the Public Service Commission of Kentucky and that nearly all of the company's revenues derived from domestic gas sales in Kentucky are from services furnished to such customers.

Notice is further given that any interested person may, not later than February 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3225 Filed 2-7-74;8:45 am]

[812-3498]

HIGHLAND CAPITAL CORP. ET AL.

Notice of Filing of Application

JANUARY 31, 1974.

In the matter of Highland Capital Corporation, c/o Mr. Edwin Robbins, President, 20 Exchange Place, New York, New York 10005, Marathon Securities Corporation, c/o Mr. Edwin Robbins, President, 20 Exchange Place, New York, New York 10005, Mr. Walter Scheuer, 20 Exchange Place, New York, New York 10005, Mr. Edwin Robbins, 20 Exchange Place, New York, New York 10005, Gaymark Associates, c/o Mr. Edwin Robbins, 74 Westview Road, Short Hills, New Jersey 07078, Mr. Louis Shorenstein, 20 Exchange Place, New York, New York 10005.

Notice is hereby given that Marathon Securities Corporation ("Marathon"), a non-diversified, closed-end, management investment company registered under the Investment Company Act of 1940, as amended (the "Act"), Highland Capital Corporation ("Highland"), a non-diversified, closed-end, management investment company registered under the Act, Mr. Walter Scheuer, a director, officer and principal stockholder of Marathon and a director and principal stockholder of Highland, Mr. Edwin Robbins, a director, officer and principal stockholder of both Marathon and Highland, Mr. Louis Shorenstein, a director of both Marathon and Highland, and Gaymark Associates, a New Jersey limited partnership and a principal stockholder of record of Highland, have filed an application pursuant to sections 6(c) and 17(b) of the Act for an Order exempting from the provisions of sections 17(a) and 17(e)(1) of the Act the proposed acquisition by Highland of the assets and business of Marathon in consideration of the issuance by Highland to Marathon of shares of Highland common stock and the assumption by Highland of Marathon's liabilities (such transaction being referred to herein as the "Combination"), and certain transactions and actions incident thereto. The application also seeks an order under section 17(d) and Rule 17d-1 approving the proposed Combination. Marathon, Highland, Mr. Scheuer, Mr. Robbins, and Gaymark Associates are hereinafter sometimes re-

ferred to collectively as the "Applicants." All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

CERTAIN INFORMATION CONCERNING THE APPLICANTS

Highland and Marthon are both Delaware corporations and closed-end nondiversified management investment companies registered under the Act. Both Highland and Marathon have substantially the same principal officers and stockholders, and they have similar investment policies. Neither company has an investment adviser, both companies being internally managed by their officers and directors.

Mr. Walter Scheuer is the principal stockholder of both Marathon and Highland and is Chairman of the Board of Directors of Marathon and a director of Highland. Mr. Edwin Robbins is a principal stockholder of Marathon and Highland and the President, the chief executive officer, and a director of both companies. Mr. Louis Shorenstein is Senior Vice President of Marathon and a Vice President of Highland. Gaymark Associates is a New Jersey limited partnership of which Mr. Robbins is the general partner and Mr. Scheuer is one of the limited partners. Gaymark is a principal stockholder of record of Highland.

The Application represents that Mr. Scheuer may be deemed to own beneficially directly or indirectly 213,774 shares (approximately 52.5 percent of the 406,972 issued and outstanding shares of Marathon common stock, although he disclaims any beneficial ownership in 82,653 of such shares. Mr. Robbins may be deemed to own beneficially directly or indirectly 59,804 shares (approximately 14.7 percent of Marathon's outstanding common stock, although he disclaims any beneficial ownership in 9,827 of such shares. Mr. Scheuer may be deemed to own beneficially directly or indirectly 222,600 shares (approximately 21.9 percent) of the 1,017,449 issued and outstanding shares of Highland's common stock, although he disclaims any beneficial ownership in 33,285 of such shares. Mr. Robbins may be deemed to own beneficially directly or indirectly 20,800 shares (approximately 2.0 percent) of Highland's outstanding common stock. An aggregate of 167,340 shares of Highland common stock, including 146,190 of the shares which may be deemed to be beneficially owned by Mr. Scheuer and Mr. Robbins, are owned of record by Gaymark Associates. The application states that through their stock ownership of Highland and Marathon and otherwise Mr. Scheuer and Mr. Robbins control both companies and dominantly influence their operations and policies.

The application further states that although their investment policies are substantially the same, there are presently certain basic differences between the portfolios of Highland and Marathon. One difference is with respect to investments in restricted securities. At June 30, 1973 restricted securities constituted 31.7 percent of Highland's unaudited net asset value and 15.5 percent of Marathon's unaudited net asset value. Another difference is with respect to concentration of investments. At June 30, 1973 the two largest holdings of Highland constituted 42.5 percent of Highland's unaudited total assets, and the two largest holdings of Marathon constituted 20.8 percent of Marathon's unaudited total assets. Also, Highland and Marathon have differed during the past several years with respect to their portfolio turnover rates.

According to the application, it is contemplated that if the proposed Combination is effected the officers of the combined entity would be as follows: Walter Scheuer, Chairman of the Board; Edwin Robbins, President and chief executive officer; Louis Shorenstein, Senior Vice President; Harvey Glassman, Vice President and Treasurer; and Dee Ann Martinez, Secretary. All of such persons are presently officers of Highland or Marathon or both.

At June 30, 1973, Highland had net assets of $5,647,994, and Marathon had net assets of $4,638,335. Highland's net asset value at the end of its fiscal year, December 31, 1972, was $9,037,429, and Marathon's net asset value at the end of its fiscal year, January 31, 1973, was $7,821,118.

Highland and Marathon each have approximately 2,000 stockholders of record. Highland common stock is listed on the American Stock Exchange and on the PBW Stock Exchange. The price per share on the American Stock Exchange at the close of business on June 30, 1973 was $2.00, which represents a discount of 64.0 percent from the unaudited net asset value per share of $5.55 at June 30, 1973.

Marathon common stock is not listed on any stock exchange but is traded in the over-the-counter market. The mean of the bid prices quoted on June 30, 1973 for Marathon common stock was $7.00, which represents a 38.6 percent discount from Marathon's unaudited net asset value per share of $11.40 at June 30, 1973.

Marathon and Highland presently share the same office space at 20 Exchange Place, New York, New York, and they also share certain common expenses.

THE PROPOSED ACQUISITION BY HIGHLAND OF THE BUSINESS AND ASSETS OF MARATHON AND RELATED TRANSACTIONS AND ACTIONS

On August 23, 1973, Highland and Marathon entered into a Plan and Agreement of Reorganization pursuant to which the proposed Combination would be effected. Under the terms of the Plan and Agreement of Reorganization, the Combination is structured as a tax-free reorganization in which Highland would acquire all the assets and business of Marathon in exchange for the issuance of shares of Highland's common stock to Marathon and the assumption by Highland of Marathon's liabilities. Following the issuance of such shares to Marathon, Marathon would make a liquidating distribution of such shares (except for shares required to be sold to provide cash for fractional shares) to its stockholders pursuant to a plan of dissolution and liquidation and would apply to the Commission for an order declaring that it had ceased to be an investment company. As a result of the proposed transaction, all stockholders of Marathon would become stockholders of Highland.

The Combination would be effected in accordance with the provisions of the Delaware General Corporation Law and would be subject to approval by the holders of a majority of the issued and outstanding shares of common stock of each of the two companies. Also, under Delaware law there would be no appraisal rights for the stockholders of either Marathon or Highland in connection with the proposed transaction.

The formula used in the Plan and Agreement of Reorganization for calculating the number of shares of Highland common stock to be issued to Marathon in the Combination provides that the number of shares to be so issued would be determined by dividing (a) the value of Marathon's net assets as of the close of business on the last business day preceding the closing date of the Combination by (b) the net asset value per share of Highland common stock as of the close of business on that day. Under such formula no adjustments would be made for any differences in tax loss carryovers and unrealized losses of either of the companies. Applicants represent that such adjustments are inappropriate in connection with the proposed Combination, since no tax benefit or liability would be contributed to either company by the other in view of the substantial realized and unrealized net losses of both companies. The boards of directors of Highland and Marathon will determine the values of the companies' portfolio securities in accordance with the definition of "value" contained in section 2(a)(41) of the Act.

APPLICABILITY OF CERTAIN PROVISIONS OF THE INVESTMENT COMPANY ACT OF 1940

Under the definition of "affiliated person" in section 2(a)(3) of the Act, Mr. Scheuer and Mr. Robbins are each "affiliated persons" of both Marathon and Highland, and Marathon and Highland are each affiliated persons of both Mr. Scheuer and Mr. Robbins. Accordingly, Marathon and Highland are each affiliated persons of an affiliated person of each other.

Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to either sell to or purchase from such registered company any securities or other property, subject to certain exceptions not here relevant. Section 17(b) provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the

part of any person concerned and that the proposed transaction is consistent with the policies of such investment company and the general purposes of the Act.

Section 17(a) would prohibit the proposed Combination unless the Commission issues an exemptive Order pursuant to section 17(b) since Highland, which is an affiliated person of affiliated persons of Marathon, would be purchasing property from Marathon and would be issuing and selling its securities to Marathon and since Marathon, which is an affiliated person of affiliated persons of Highland, would be selling its property to Highland and would be purchasing shares of Highland common stock from Highland.

Section 17(d) of the Act makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company is a participant unless an application regarding such enterprise or arrangement has been filed with the Commission under Rule 17d–1 and granted by an order of the Commission. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise, joint arrangement of profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The application states that since the proposed Combination transaction might be deemed to constitute a "joint enterprise or other joint arrangement or profit-sharing plan" as defined in Rule 17d–1(c), the consummation of the proposed Combination and the operation of Highland as the surviving company thereafter may be deemed to be subject to section 17(d) and Rule 17d–1 thereunder in view of the fact that Marathon and Highland are affiliated persons of affiliated persons of each other.

The application further states that the voting by Mr. Scheuer and Mr. Robbins of their shares of Highland and Marathon common stock and the voting by Gaymark Associates of its shares of Highland common stock in favor of the proposed Combination might be deemed to constitute a joint transaction between affiliated persons of a registered investment company and such investment company and therefore subject to section 17(d) and Rule 17d–1. As affiliated persons of both Marathon and Highland, Messrs. Scheuer and Robbins might be deemed to be acting together with Marathon and Highland, respectively, to approve and implement a joint transaction—i.e., a combination with another entity. As an affiliated person of Highland, Gaymark Associates might be deemed to be acting together with Highland to approve and implement a joint transaction—i.e., a combination with another entity.

Section 17(e)(1) of the Act makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as agent, to accept from any source any compensation (other than a regular salary or wages from such registered company) for the purchase or sale of any property to or for such registered company, except in the course of such person's business as an underwriter or broker. The application states that unless an exemptive order is granted pursuant to section 6(c) of the Act, section 17(e)(1) may be deemed to be violated in connection with the proposed Combination because certain affiliated persons of Highland and Marathon are being paid their regular salaries by both companies while the proposed Combination is being negotiated and effected. Although such payments are in the form of regular salaries or wages, section 17(e)(1) makes it unlawful for an affiliated person acting as agent for a registered investment company to receive any compensation of any sort from any source other than such registered investment company in connection with the purchase or sale of property by such registered investment company. Since a portion of the compensation paid to Mr. Robbins and Mr. Louis Shorenstein, both of whom receive salaries from both Highland and Marathon as compensation for their being officers of both companies, may be deemed to be for services rendered in connection with the Combination, they and any other affiliated persons who receive compensation from both Highland and Marathon may be deemed to be violating section 17(e)(1) of the Act. Under section 6(c) of the Act, the Commission may grant an exemption from section 17(e)(1) of the Act if and to the extent that the Commission finds such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Request for Order

In order to proceed with the proposed Combination and the other transactions and actions incident thereto without violating sections 17(a), 17(d) or 17(e)(1) of the Act, or the rules thereunder, the Applicants have submitted their Application pursuant to sections 6(c) and 17(b) of the Act, and pursuant to Rule 17d–1 thereunder, for an order of the Commission. The Applicants are seeking approval of the application for the purpose of proceeding with and consummating the proposed Combination and the related dissolution and liquidation of Marathon, all as provided for in the Plan and Agreement of Reorganization, including, but not limited to, (a) permitting the officers, directors and stockholders of Marathon and Highland, including Mr. Scheuer, Mr. Robbins, and Gaymark Associates, to vote on and to otherwise participate in the transactions, including the distribution of Highland common stock received by Marathon to the stockholders of Marathon and the liquidation and dissolution of Marathon; (b) permitting the officers and directors of both Highland and Marathon to convene special meetings of stockholders, to mail proxy materials to the stockholders of both companies in connection with such special meetings and to solicit the votes to be cast by the stockholders of both companies at such special meetings; (c) permitting persons who are affiliated persons of either Highland or Marathon or both and who receive regular salaries or wages from both companies to continue to do so pending the consummation of the Combination; and (d) permitting all other actions necessary or desirable in order to effectuate and consummate the proposed transactions.

The Applicants represent that the terms of the proposed transaction, including the basis for determining the number of shares of Highland common stock to be issued and delivered to Marathon, are reasonable and fair and do not involve overreaching on the part of any persons concerned with or involved in the transaction. The Applicants also state that the net asset value formula set forth in the Plan and Agreement of Reorganization for determining the number of shares of Highland common stock issuable in the Combination is substantially the same as the formula followed previously by investment companies engaged in similar transactions. Also, the Applicants state that under the Plan and Agreement of Reorganization and proposed plan of dissolution and liquidation of Marathon, all stockholders of Highland and Marathon would be treated the same.

The Applicants also represent that the proposed amalgamation of Marathon and Highland should make possible meaningful operating economies for the combined entity, should generally improve the viability of the continuing company and should enhance the marketability of the shares of stock of the continuing company. The Applicants suggest that even though Highland and Marathon presently share the same office space and also share certain common operating expenses, the operation of the two companies as separate entities, incurring separate costs in such areas as legal expenses, audit and accounting expenses, proxy statements, stockholders and other reports and communications, transfer agent, custodial services and bookkeeping services, is inherently more expensive than the operation of a single entity.

Finally, Applicants submit that the proposed transaction and related actions are fair and reasonable and do not involve overreaching on the part of any person, and are consistent with the general purposes of the Act, the public interest and the protection of investors.

Notice is further given that any interested person may, not later than February 25, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his inter-

est, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–3228 Filed 2–7–74;8:45 am]

[File No. 500–1]

HOLLOWAY WESTERN CORP.

Notice of Suspension of Trading

JANUARY 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Holloway Western Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) on January 30, 1974 through midnight (e.d.t.) on February 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–3218 Filed 2–7–74;8:45 am]

[812–3585]

MASSACHUSETTS MUTUAL LIFE INSURANC CO. AND MASSMUTUAL INCOME INVESTORS, INC.

Notice of Filing of Application

JANUARY 31, 1974.

Notice is hereby given that Massachusetts Mutual Life Insurance Company (the "Insurance Company") and MassMutual Income Investors, Inc., 1295 State Street, Springfield, Massachusetts 01111 (the "Fund"), a diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), (hereinafter collectively referred to as "Applicants"), have filed an application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order of the Commission permitting Applicants to participate jointly in a direct placement purchase of a new issue of 9¼ percent senior notes due 1992 (the "Notes") of Allis-Chalmers Corporation ("Allis-Chalmers") in the principal amount of $7,000,000 or, in the event the Insurance Company purchases the Notes before the issuance of such order, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale by the Insurance Company of $2,000,000 principal amount of the Notes to the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants expect that the total amount of the Notes to be issued will be between $50,000,000 and $60,000,000. The Insurance Company understands that Allis-Chalmers is willing to sell a portion of the Notes to the Fund and, as investment adviser for the Fund, the Insurance Company believes that the Notes would be an attractive investment for the Fund. If permitted, the Fund intends to acquire $2,000,000 in principal amount pany intends to acquire $5,000,000 in principal amount. The Insurance Company already holds Allis-Chalmers 3⅝ percent notes due 1982 in the aggregate unpaid principal amount of $2,400,000 which notes the Insurance Company acquired in 1952.

Section 2(a)(3) of the Act includes, within the definition of the term "affiliated person" of an investment company, the investment adviser to the investment company.

Rule 17d–1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * * acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It also provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement, or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

The Insurance Company represents that its holding of Allis-Chalmers securities had no effect on its decision that the Notes would be an attractive investment for both of the Applicants. Applicants state that Allis-Chalmers will use the proceeds from the sale of the Notes to refund its outstanding bank debt and will not use such proceeds to pay any installment of principal or interest owing on the notes issued to the Insurance Company in 1952. The Insurance Company asserts that an unequal division of the $7,000,000 principal amount of the Notes to be acquired as between the Fund and the Insurance Company is appropriate in view of the investment policies of the Fund which restrict the Funds ability to invest in securities other than high grade interest-bearing debt securities or cash equivalents. The Fund is permitted to invest no more than 25 percent of its total assets, at present approximately $35,000,000, in securities other than those noted above and, furthermore, is permitted to invest no more than 10 percent of its total assets, at present approximately $14,000,000, in restricted securities of the type represented by the Notes. An investment by the Fund in one-half the principal amount of the Notes offered to the Insurance Company, i.e., $3,500,000, would represent 10 percent and 25 percent respectively of the amounts which the Fund can invest in securities other than high grade interest-bearing debt securities and in restricted securities. The Insurance Company deems it inadvisable for the Fund to invest such percentages in one debt security in view of the legal restrictions on marketability of the Notes. Applicants submit that to make available to the Fund the opportunity to invest $2,000,000 in principal amount of the Notes is in the best interest of shareholders of the Fund.

In the event the requested order is not issued before the issuance of the Notes, expected to be February 15, 1974, the Insurance Company proposes to acquire the entire $7,000,000 principal amount of the Notes, subject to the obligation to transfer $2,000,000 of such amount to the Fund at cost plus accrued interest should an order of the Commission permitting such transaction issue within three months of such acquisition. Applicants seek an exemption pursuant to section 17(b) of the Act permitting the sale by the Insurance Company to the Fund of $2,000,000 principal amount of the Notes in the event the requested order pursuant to section 17(d) of the Act and Rule 17d–1 thereunder is not granted before the acquisition of the Notes by the Insurance Company. If no order of exemption is received, the $7,000,000 principal amount of the Notes will be retained for investment by the Insurance Company.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition

after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants state that the terms of the proposed transfer of the $2,000,000 in principal amount of the Notes from the Insurance Company to the Fund are reasonable and fair and free from overreaching. The consideration to be paid by the Fund for the Notes would equal the price paid by the Insurance Company for the Notes plus accrued interest. Applicants submit that the proposed transaction is consistent with the policy of the Fund as recited in its registration statements and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 20, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 20, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3227 Filed 2-7-74;8:45 am]

[31-729]

PINEHURST, INC.

Notice of Filing of Application

JANUARY 30, 1974.

Notice is hereby given that Pinehurst, Incorporated, 200 Sheffield Street, Mountainside, New Jersey 07092 ("Pinehurst") has filed an application and an amendment thereto pursuant to section 2(a)(3) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring it not to be an electric utility company or the purposes of the Act. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Pinehurst owns and operates a recreational resort community of approximately 9,000 acres consisting of the Village of Pinehurst, North Carolina, and its surrounding areas. The company's businesses are divided into four general categories—sales of real estate and condominiums, resort operations, commercial operation, and municipal operations. The electric operations of Pinehurst, which consist of the distribution and sale of electric energy, are all located in the small Village of Pinehurst. It is stated that the system was established many years ago at a time when the area was not served by any electric utility company. The customers now served consist of Pinehurst's businesses facilities, tenants, and employees, as well as customers who own homes or other buildings (such as the hospital) on land which has been sold.

At December 31, 1972, the consolidated assets of Pinehurst and its subsidiaries amounted to $29,628,384, and for the year then ended their consolidated revenues and net income amounted to $12,866,286 and $483,564, respectively. At December 31, 1972, the electric distribution assets of the company had a net book value of $408,393 (or 1.4 percent of its consolidated assets). For such year, electric revenues amounted to an estimated $159,895 (or 1.24 percent of Pinehurst's consolidated revenues), after elimination of intracompany and intercompany sales of $122,923 and sales to tenants and employees estimated at $17,623. The contribution to net income of such $159,895 of electric revenues amounted to an estimated loss of $13,843. During 1972, an estimated 6,956,216 KWH of electric energy was sold by Pinehurst to customers other than tenants and employees.

Notice is further given that any interested person may, not later than February 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3219 Filed 2-7-74;8:45 am]

[812-3592]

T. ROWE PRICE GROWTH STOCK FUND, INC.

Notice of Filing of Application

JANUARY 31,1974.

Notice is hereby given that T. Rowe Price Growth Stock Fund, Inc., One Charles Center, Baltimore, Maryland 21201 ("Applicant"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to Section 6(c) of the Act declaring that Mr. D. Reid Weedon, Jr. ("Weedon") shall not be deemed an interested person of Applicant as that term is defined under section 2(a)(19) of the Act solely by reason of his status as an officer and shareholder of Arthur D. Little, Inc. ("ADL"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Weedon, a senior vice-president of ADL, is expected to be designated by the management of Applicant as a nominee for election to its Board of Directors at Applicant's annual meeting of shareholders scheduled to be held on April 2, 1974. ADL, a research and consulting organization has a wholly-owned subsidiary, First Cambridge Corporation ("First"), which is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the Boston Stock Exchange. Applicant states that Weedon is not a director or officer of First and has no direct or indirect dealings with it.

The majority of First's business involves orders by clients of ADL who wish to pay for ADL's services through brokerage commissions. First does not sell mutual fund shares. T. Rowe Price Associates, Inc. ("Price Associates"), the investment adviser to Applicant, subscribes to an ADL service generally available to the public. In June 1973, Price Associates began using brokerage to pay for such service, which resulted in 1973 in $4,969 in commissions to First. First's total portfolio brokerage during 1973 was approximately $1,444,000.

Applicant represents that if Weedon is designated as a nominee for election to the Board of Directors of Applicant and is thereafter elected, so long as he remains a director of Applicant, Applicant will not knowingly purchase any security from or through, or sell any security to or through, First, or any entity

which is presently, or which may in the future be, affiliated with First. Applicant states that, since Applicant is a no load fund, none of its shares have been or would be sold through First. Applicant also represents that the prohibition against the use of First to effectuate brokerage transactions will not adversely affect its fiduciary obligation to obtain the best price and execution on portfolio transactions.

Applicant avers that Weedon is a man of stature and recognized integrity, experience and competence in a wide variety of fields. Applicant believes that it is in the public interest, as well as in the best interests of Applicant and its shareholders, that Weedon be permitted to serve as a disinterested director of Applicant.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any officer of such other person, or any person under common control with such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In his capacity as senior vice-president of ADL, Weedon has no authority over or responsibility for the management or operations of First. Accordingly, Applicant asserts that Weedon should not be deemed an interested person of the Fund or its investment adviser since his affiliation with ADL will not impair his independence in acting on behalf of Applicant and its shareholders, and the requested exemption is, therefore, consistent with the provisions of Section 6(c) of the Act.

Notice is further given, that any interested person may, not later than February 22, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3229 Filed 2-7-74;8:45 am]

[File No. 500-1]

TR-3 INTERNATIONAL, INC.

Notice of Suspension of Trading

JANUARY 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of TR-3 International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) January 30, 1974 through midnight (e.d.t.) February 8, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-3223 Filed 2-7-74;8:45 am]

[812-3571]

WILLOW FUND, INC.

Notice of Filing of Application

FEBRUARY 1, 1974.

Notice is hereby given that The Willow Fund, Inc., 1 Chase Manhattan Plaza New York, New York 10005 ("Applicant"), an open-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from section 17(a) of the Act the sale of 11,100 shares of common stock of Equity Funding Corporation of America (the "Shares") to Wertheim & Co. ("Wertheim") and its affiliates Wertheim & Co., Inc. ("WCI") and Wertheim Advisers, Inc. ("WAI") (hereinafter collectively referred to as the "Wertheim Group"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Wertheim, which was the investment adviser of Applicant on January 11, 1972, the date Applicant purchased the Shares, owns 96.5 percent of the outstanding voting stock of WCI, the principal underwriter of Applicant's shares. WAI, a wholly-owned subsidiary of WCI, has acted as investment adviser to Applicant since April 26, 1972. Under section 2(a)(3) of the Act, WCI and WAI are affiliated persons of Applicant and Wertheim is an affiliated person of affiliated persons of Applicant.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such person, knowingly to purchase from or to sell to such investment company any securities or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and the general purposes of the Act.

Applicant and the Wertheim Group have been advised by counsel that the purchase by Applicant of the Shares on January 11, 1972 was unlawful under section 12(d)(3) of the Act. Section 12(d)(3), in pertinent part, prohibits the purchase by a registered investment company of securities issued by brokers, dealers or underwriters. On April 25, 1973, Applicant and the Wertheim Group entered into an Agreement which provided for the immediate cash payment to Applicant of $437,388. This amount reflects (1) Applicant's cost of the Shares (exclusive of brokerage commissions) of $377,612.76; (2) brokerage commissions paid to Wertheim in connection with the purchase of the Shares, of $2,381.24; and (3) an imputed return of $57,395, of which approximately $43,699 represents an 8.9 percent rate of return on that cost, and $13,696 reflects the difference between the Fund's cost of the Shares and the market value thereof attributable to each share of common stock of the Fund purchased or redeemed on any day when the market value of the Shares was below the Fund's cost, of which $7,821 was paid to stockholders of the Fund who redeemed shares on those days. The Agreement also provided that any net proceeds received by Applicant from a sale or other distribution of the Shares must be applied toward the payment of expenses of Applicant which WAI must otherwise pay pursuant to its advisory agreement with the Fund. On November 27, 1973, Applicant and the Wertheim Group agreed to amend the April 25, 1973 Agreement, subject to a receipt of a favorable order from the Commission under section 17(b) of the Act, to provide for the transfer of the Shares to the Wertheim Group in exchange for Applicant's release from the obligation with respect to the application of the net proceeds of sale of the Shares.

Applicant states that its Board of Directors, including each director who is not an interested person under the Act,

has approved both the April 25, 1973 Agreement and its amendment of November 27, 1973.

Applicant also states that the Commission suspended all trading in the securities of Equity Funding Corporation on March 27, 1973; and between that date and the April 25, 1973 Agreement, Applicant valued the Shares at $1 per share. Subsequent to that Agreement, Applicant has carried the Shares without value.

Applicant believes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicant states that the April 25, 1973 Agreement was intended to shift all economic risks or benefits related to the ownership of the Shares to the Wertheim Group and to place Applicant and its stockholders in the position they would have enjoyed had Applicant not purchased the Shares.

Applicant also believes that it would be in its best interest to transfer the Shares to the Wertheim Group. Applicant states that, under the terms of the April 25, 1973 Agreement, it cannot obtain any further benefit from the continued holding of the Shares, and that the proposed transfer of the Shares to the Wertheim Group would eliminate any need for an accounting by Applicant for the proceeds of sale of the Shares. Applicant further believes that the proposed transaction is consistent with its policy as recited in its registration statement and reports under the Act and with the general purposes of the Act.

Notice is further given, that any interested person may, not later than February 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–3226 Filed 2–7–74;8:45 am]

[File No. 500–1]

SILVER GULL CORP.

Notice of Suspension of Trading

JANUARY 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Silver Gull Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) January 30, 1974, through February 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–3222 Filed 2–7–74;8:45 am]

[File No. 500–1]

SILVER GULL OIL & GAS CORP.

Notice of Suspension of Trading

JANUARY 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Silver Gull Oil & Gas Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) January 30, 1974 through February 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–3221 Filed 2–7–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0097]

BANKIT FINANCIAL CORP.

Notice of Application for a License

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations (38 FR 30836, November 7, 1973) by Bankit Financial Corporation, 733 North Van Buren Street, Milwaukee, Wisconsin 53202, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and sole stockholder are:

Donald E. Runge, 733 North Van Buren Street, Milwaukee, Wisconsin 53202, President and Director.

Lyle Weiss, Sr., 2042 Palace Avenue, St. Paul, Minnesota 55105, Vice-President and Director.

Reuben Schlipp, Jr., 733 North Van Buren Street, Milwaukee, Wisconsin 53202, Secretary, Treasurer and Director.

Farm House Foods Corporation, 733 North Van Buren Street, Milwaukee, Wisconsin 53202, Sole stockholder.

Farm House Foods Corporation (Farm House) is engaged primarily in the wholesale distribution of products traditionally carried in retail food stores. Farm House distributes to supermarkets, grocery stores and other retail outlets and to institutional customers such as restaurants, hospitals and schools.

The applicant will begin operations with a capitalization of $250,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns in the independent retail food industry. In addition to financial assistance, the applicant will provide management consulting services to its client firms.

Farm House will benefit from the applicant's financing of those independent food merchants to the extent that they are customers of Farm House. These customers will be procuring some of their merchandise from Farm House and using its services such as advertising, sales promotion, accounting and store management. However, these clients are not compelled by contract or other agreement to purchase products or services from Farm House.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than February 25, 1974, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Milwaukee, Wisconsin.

Dated: January 30, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–3208 Filed 2–7–74;8:45 am]

[Notice of Disaster Loan Area 1037]

CALIFORNIA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of California as a major disaster area following severe storms and flooding beginning on or about January 15, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Glenn, Humboldt, Mendocino, Shasta, Siskiyou, Tehama, and Trinity, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
Regional Office
450 Golden Gate Avenue, Box 36044
San Francisco, California 94102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93–24.

Applications for disaster loans under this announcement must be filed not later than March 27, 1974.

Dated: January 29, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–3212 Filed 2–7–74;8:45 am]

EQUI-TRONICS CAPITAL CORP.

Notice of Approval of Application

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulation (38 FR 30836), a notice of filing of an application for transfer of control of Equi-Tronics Capital Corporation, License No. 01/02–0118, 1492 High Ridge Road, Stamford, Connecticut 06903, was published in the FEDERAL REGISTER on January 4, 1974. (39 FR 1130).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Equi-Tronics Capital Corporation.

Dated: January 31, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–3207 Filed 2–7–74;8:45 am]

[Notice of Disaster Loan Area 1036]

IDAHO

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Idaho as a major disaster area following severe storms, snowmelt, and flooding beginning on or about January 13, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Adams, Benewah, Bonner, Boundary, Kootenai, Latah, Shoshone, and Washington, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
216 North Eighth Street
Boise, Idaho 83701

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93–24.

Applications for disaster loans under this announcement must be filed not later than March 27, 1974.

Dated: January 29, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–3211 Filed 2–7–74;8:45 am]

[Notice of Disaster Loan Area 1040]

MONTANA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Montana as a major disaster area following severe storms, snowmelt, flooding, and landslides beginning on or about January 15, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Deer Lodge, Flathead, Glacier, Lincoln, Missoula, and Sanders, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
Corner Main and Sixth Avenue
Helena, Montana 59601

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93–24.

Applications for disaster loans under this announcement must be filed no later than April 1, 1974.

Dated: January 30, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–3215 Filed 2–7–74;8:45 am]

[Notice of Disaster Loan Area 1035]

OREGON

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oregon as a major disaster area following severe storms, snowmelt and flooding, beginning on or about January 14, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Benton, Clackamas, Columbia, Coos, Curry, Douglas, Hood River, Jackson, Josephine, Lane, Lincoln, Marion, Polk, Tillamook, Wasco, Washington and Yamhill, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
700 Pittock Block
921 Southwest Washintgon Street
Portland, Oregon 97205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93–24.

Applications for disaster loans under this announcement must be filed not later than March 27, 1974.

Dated: January 29, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–3210 Filed 2–7–74;8:45 am]

[Declaration of Disaster Loan Area 1038]

UTAH

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1973, because of the effects of a certain disaster, damage resulted to business property located in the State of Utah;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Town of Alta, Utah, suffered damage or destruction resulting from an avalanche which occurred December 30, 1973.

Applications will be processed under the provisions of Pub. L. 93–24.

OFFICE

Small Business Administration
District Office
125 South State Street
Salt Lake City, Utah 84111

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 1, 1974.

Dated: January 31, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–3213 Filed 2–7–74;8:45 am]

[Notice of Disaster Loan Area 1034]

WASHINGTON

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Washington as a major disaster area following severe storms, snowmelt, and flooding beginning on or about January 13, 1974, applications for disaster relief loans will be ac-

cepted by the Small Business Administration from flood victims in the following counties: Asotin, Klickitat, Whitman, and Yakima, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
Regional Office
5th Floor, Dexter Horton Building
710 Second Avenue
Seattle, Washington 98104

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than March 27, 1974.

Dated: January 29, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-3209 Filed 2-7-74;8:45 am]

[Notice of Disaster Loan Area 1039]

WEST VIRGINIA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of West Virginia as a major disaster area following severe storms and flooding beginning on or about January 10, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Kanawha, Lincoln, Logan, Mingo, and Wayne and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
Branch Office
Charleston National Plaza
Charleston, W. Va. 25301

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this anouncement must be filed not later than April 1, 1974.

Dated: January 30, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-3214 Filed 2-7-74;8:45 am]

TARIFF COMMISSION

[TEA-F-59]

ROTO-BROIL CORPORATION OF AMERICA

Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Roto-Broil Corporation of America, Newark, New Jersey, the United States Tariff Commission, on February 4, 1974, instituted an investigation under section 301 (c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements articles like or directly competitive with electric can openers and hair dryers (of the types provided for in items 683.32 and 684.50 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10:00 a.m., e.d.t. on March 5, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., not later than noon, Thursday, February 28, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: February 4, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-3190 Filed 2-7-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-11]

NASA SPACE PROGRAM ADVISORY COUNCIL

Change of Agenda

Revisions in the schedules of NASA officials participating in the Space Program Advisory Council meeting of 12-13 February 1974, necessitates changes of the agenda published last week.

The "ASTP Report," 11 a.m., 12 February, has been changed to 9 a.m., 13 February. The "Viking Status Report," 9 a.m., 13 February, has also been changed to 11 a.m., 12 February. There are no changes in the substance of the materials to be covered in these sessions.

The meeting is still scheduled to be held in Room 7002, FOB#6, commencing at 9 a.m. Tuesday, 12 February 1974. For further information regarding the meeting, please contact Mr. Nathaniel B. Cohen: Area Code 202-755-8433.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

FEBRUARY 5, 1974.

[FR Doc.74-3374 Filed 2-7-74;10:13 am]

INTERSTATE COMMERCE COMMISSION

[Special Permission 74-1825, Amdt. 2]

COMMON CARRIERS AND FREIGHT FORWARDERS

Rate Increases To Cover Increases in Fuel Cost

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of January, 1974.

It appearing, that by order entered December 13, 1973, as amended by order entered on January 10, 1974, special permission authority was granted to common carriers and freight forwarders subject to the Interstate Commerce Act to publish surcharges of increased rates and charges to recover certain increased fuel costs, to become effective on 10 days' notice, subject to certain procedures;

It further appearing, that when tariff publications naming surcharges, and referring to this special permission for authority, are received by the Commission for filing on a Friday, weekend, or legal holiday, or when a legal holiday falls within the ten-day notice period, the amount of time available to interested parties to review such publications, to consider petitioning for suspension, and to timely file adequate petitions, and the time available to this Commission for proper consideration of any such petitions, is shortened, often seriously; and

It is ordered, That Special Permission No. 74-1825, as heretofore amended on January 10, 1974, be, and it is hereby, further amended, effective February 8, 1974, by striking paragraph 1, as amended, and substituting the following:

Common carriers and freight forwarders subject to the Interstate Commerce Act and their tariff publishing agents are hereby authorized to depart from the terms of the governing tariff circulars to file and post, on notice of effectiveness which will allow an elapse of not less than ten (10) working days of this Commission (that is, excluding Saturdays, Sundays, or legal holidays observed by this Commission) starting from the date filed with the Commission (which, if a working day, may be included as one of the ten days) to the date the publication(s) is indicated to become effective (which may not be counted as one of the aforesaid ten), increases in rates, fares, and charges for line-haul transportation and charges for other services which consume fuel, such as switching and pickup and delivery, and which must be specified in the tariffs, by means of surcharges stated in percentages to produce additional revenue in an amount not to exceed increases in fuel costs, based on the difference in the price of fuel on May 15, 1973, on the one hand, and the lawful price of fuel on a specified date which is not later than the date of filing of the surcharge hereunder, on the other hand, except that fuel price increases relied upon in support of increases published and filed since May 15, 1973,

must be excluded from any increases filed under the authority herein.

The surcharge provisions must include a rule for disposition of fractions of one cent or other stated amounts, or refer to a conversion table of increased rates or fares.

Notice of this amendment shall be given to the general public by mailing a copy of this order to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3300 Filed 2-7-74;8:45 am]

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federal register

FRIDAY, FEBRUARY 8, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 28

PART II

DEPARTMENT OF THE TREASURY

Office of the Secretary

■

ENVIRONMENTAL IMPACT STATEMENTS

Proposed Procedures for Preparation and Coordination

DEPARTMENT OF THE TREASURY

Office of the Secretary

ENVIRONMENTAL IMPACT STATEMENTS

Proposed Procedures for Preparation and Coordination

On July 30, 1971, the Department of the Treasury issued Procedures for Preparation and Coordination of Environmental Impact Statements (36 FR 14221) under section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C., section 4332(2)(C)) pursuant to guidelines established by the Council on Environmental Quality on April 23, 1971 (36 FR 7724–9).

It is now proposed, as required by § 1500.3(a) of the amended guidelines promulgated by the Council on August 1, 1973 (38 FR 20550), to issue revised procedures, as set forth below. Comments on the proposed procedures are invited. Any such comments should be sent in duplicate to the Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220, on or before March 29, 1974.

After consideration of all comments received, the Department will make any revisions which appear appropriate and will publish the resultant definitive procedures in the FEDERAL REGISTER.

WARREN F. BRECHT,
Assistant Secretary for Administration.

FEBRUARY 4, 1974.

The Departmental Procedures for Preparation and Coordination of Environmental Impact Statements under section 102(2)(C) of the National Environmental Policy Act of 1969, which were issued on July 30, 1971 (36 FR 14221), are amended as follows:

Authority. The following procedures are established, after consultation with the Council on Environmental Quality, in accordance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190 (42 U.S.C. 4332(2)(C)), hereinafter referred to as NEPA; section 2 of Executive Order 11514 (42 U.S.C. 4321 note); and § 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR, Part 1500 (38 FR 20550), hereby incorporated by reference and hereafter referred to as the CEQ Guidelines. Since these procedures constitute a general statement of policy, notice and public procedure under 5 U.S.C. 553 are unnecessary.

Scope. These procedures apply to the recognition of the need for environmental impact statements with respect to proposals for legislation and other major actions significantly affecting the quality of the human environment, to the preparation of such statements, and to their circulation and review within and outside the Department of the Treasury. The procedures also provide for appropriate action with respect to environmental impact statements submitted to the Department for comment. All bureaus, offices, and other components of the Department, hereafter referred to as bureaus, are required to follow these procedures in dealing with environmental impact statements. These procedures are to be applied in the light of the definitions and instructions in the CEQ Guidelines. They relate to all steps in the preparation and circulation of environmental impact statements occurring subsequent to _____, 1974. After that date, the procedures published in 36 FR 14221 are superseded without affecting the sufficiency of any action taken previously.

Content. These procedures provide for:

(a) Designation of the officials responsible for environmental impact statements.

(b) Identification of the proposed actions within the Department requiring environmental impact statements, the pertinent departmental review process, and the time scheduling for consultations required by section 102(2)(C) of NEPA.

(c) Obtaining of the information required in the preparation of environmental impact statements.

(d) Consultation with and taking account of the comments of appropriate Federal, State, and local agencies, including the Administrator of the Environmental Protection Agency as to the environmental impact of matters under section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h–7), and § 1500.9(b) of the CEQ Guidelines.

(e) Making suitable arrangements as required by section 2(b) of Executive Order 11514 and § 1500.6(e) of the CEQ Guidelines, for timely public information on departmental plans and programs with environmental impact, including procedures relating to (i) the use of environmental impact statements in departmental policy and action review processes, (ii) the appropriate distribution of environmental impact statements, and (iii) the availability to the public of environmental impact statements and comments received thereon.

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1. *Designation of responsible officials.* (a) There shall be in the Office of the Secretary a Departmental Environmental Quality Officer (EQO), designated by the Secretary, who shall (i) be the liaison official for the Department with the Council on Environmental Quality, the Environmental Protection Agency, and other departments and agencies concerning environmental matters, (ii) insure that the actions of the bureaus with respect to the fulfillment of NEPA are duly coordinated, (iii) provide guidance to bureaus on environmental policy and requirements, (iv) assist bureaus in reviewing and assessing the environmental impact of proposed Treasury actions, (v) provide guidance in the preparation and processing of environmental impact statements, (vi) receive for clearance action all environmental impact statements, draft and final, originating in the Department, (vii) receive all environmental impact statements submitted by other agencies to the Department and coordinate the appropriate review and reply, (viii) perform such other functions as are specified in these procedures or are appropriate under the CEQ Guidelines or other instructions or recommendations of CEQ.

(b) Responsibility for the preparation and appropriate circulation of environmental impact statements shall rest with the head of the bureau with jurisdiction over the action or policy area in question.

(c) Each bureau is directed to designate a Bureau Environmental Quality Officer (EQO), and alternate, with continuing staff responsibility for (i) identifying bureau actions requiring an environmental impact statement; (ii) making sure that each required statement is prepared timely and with the prescribed content by appropriate staff members; (iii) ensuring the bureau's compliance with the requirements of NEPA, the CEQ Guidelines, and these Departmental procedures, in particular by coordinating the review within the bureau of such statements, and (iv) maintaining compliance with all applicable scheduling, consultation, circulation, and publicity requirements. The Bureau EQO will also be expected to maintain effective communication and consultation with the Departmental EQO and to keep key officials in his bureau informed of current developments in environmental policy and program, particularly under NEPA.

The fulfillment of these duties will require constant and active attention by the Environmental Quality Officer to all operations of his bureau to insure that the possible applicability of NEPA is timely taken into account in all relevant cases and that, if an impact statement may be needed, the requirements of the Act, the CEQ Guidelines, these procedures, and any other instructions of the Department and the supplemental procedures, if any, issued by the bureau are promptly and fully followed.

(d) Letters transmitting environmental impact statements to the CEQ (section 9(a), below), as well as any reports or other communications to the Council, shall be addressed to its Chairman and shall be signed by the Departmental EQO. Unless special circumstances indicate that a different officer should act,

communications announcing decisions to prepare environmental impact statements (section 2(e), below), requesting comments on draft statements (section 7, below), or transmitting final statements for the information of agencies or persons commenting on draft statements (section 9(c), below), shall also be signed by the Departmental EQO and, in the case of a Federal agency, shall be addressed to its Departmental Environmental Quality Officer or equivalent official. In addition to the above, all Departmental contacts with CEQ, EPA, and other governmental agencies, or with nongovernmental organizations or individuals, on environmental matters shall be through or coordinated with the Departmental EQO.

(e) The assessment of the environmental impact of actions concerning various areas of Treasury policy and operations specified below and the preparation of environmental impact statements relating thereto shall be coordinated, in consultation with the Departmental EQO, with the officer having primary responsibility as follows:

Action area	*Officer with coordinating responsibility*
Administration of facilities, physical operations, procurement, contracts, leases, etc.	Assistant Secretary for Administration.
Tax policy recommendations, legislation, and regulations.	Assistant Secretary for Tax Policy.
Nontax legislative recommendations and reports.	General Counsel.
International environmental matters	Assistant Secretary for International Affairs.
Energy and natural resource matters	Special Assistant to the Deputy Secretary.

(f) The heads of bureaus having operations which are affected by special considerations are hereby authorized to issue supplementary procedures consistent with these Departmental procedures for the implementation of NEPA. Any such procedures, or amendments thereof, issued after _____, 1974 shall be submitted for review and concurrence by the Departmental EQO, and any procedures in existence at such date shall, with similar review and concurrence, be revised in accordance with the CEQ Guidelines and these Departmental procedures. Such procedures, unless relating purely to the internal administration of the bureau, shall be published in the FEDERAL REGISTER.

(g) The Departmental EQO, and at his request, the respective bureau or bureaus, shall be responsive to requests from the CEQ for reports or other information in connection with the implementation of NEPA and for the preparation and circulation of environmental impact statements, as required by § 1500.11(f) of the Guidelines.

2. *Identification of actions requiring environmental impact statements.* (a) Each bureau shall insure that all employees with responsibility for actions potentially affecting the environment are informed of the requirements of this Departmental procedure.

(b) Whenever it appears that any matter, including the continuance of any action or program already initiated, is likely to fall within the requirements of section 102(2)(C) of NEPA as constituting a proposal for legislation or other major Federal action significantly affecting the quality of the human environment, whether beneficially or adversely, the environmental implications are to be explored promptly and in all events prior to the decision to take or to continue the action (See CEQ Guidelines, §§ 1500.2 and 1500.7). In all such cases early notification shall be given by the responsible bureau official to the Bureau EQO, who shall obtain the views of the Departmental EQO, and a determination as to the potential environmental effects of the action and the consequent need or absence of need to submit an impact statement in connection with it shall be made by the bureau and, in the case of a negative determination in accordance with subsection (i), below, appropriately documented. If it appears appropriate in making such a determination, agencies outside the Department having expertise in matters involved should also be consulted. Agencies with special environmental expertise are listed in Appendix II of the CEQ Guidelines. Non-governmental organizations or individuals believed to have special knowledge should also be consulted when it appears appropriate. The appraisal provided for in this paragraph shall take place as early in the bureau's consideration of the proposed action as possible (Guidelines, § 1500.2(a)).

(c) A basic guide to the wide range of actions, including the establishment or continuance of programs, with respect to which an environmental impact statement may be appropriate and general criteria for determining which actions constitute major Federal actions and involve a significant impact on the environment are provided in § 1500.6 of the CEQ Guidelines. The underlying national environmental policy considerations are set forth in section 101 of NEPA and Executive Order 11514. It should be clearly understood that impact statements are not intended to be justification documents for proposed actions but are to be objective assessments of actions and their alternatives in the light of all reasonably pertinent environmental considerations (Guidelines, § 1500.7(a)).

(d) Because of the Department of the Treasury does not, in general, have responsibility for programs or activities under which each operation will normally affect the quality of the human environment, it is difficult to establish detailed criteria for determining what proposed actions within the Department should be the subject of an impact statement. For this reason, it is especially important that each bureau use careful judgment in determining when an environmental impact statement might be required pursuant to the criteria established in NEPA and in the CEQ Guidelines, including the indications of types of environmental impact presented by the subject headings in Appendix II of the Guidelines. It should be noted that, as set forth more fully in § 1500.5 of the CEQ Guidelines, actions on which a statement may be required include but are not limited to (i) recommendations or favorable reports relating to legislation, including requests for appropriations, (ii) new and continuing projects or program activities, including those supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance (except under such legislation as the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq.), (iii) the making or modification of regulations rules, procedures, and policy.

Examples of possible Treasury actions within the respective categories might be (1) proposals of legislation relating to taxation bearing on the utilization of natural resources or affecting the depreciation of structures, (2) major building projects under the sponsorship of the Department and (3) revenue rulings to be published under existing tax law relating to depreciation allowances or other actions which might affect natural resource development and consumption or rulings under the legislation relating to alcohol which might result in the utilization of new substances for packaging.

In order to facilitate compliance as far as possible with the requirements of § 1500.6(c) of the CEQ Guidelines that each agency shall develop specific criteria and methods for identifying those actions likely to require environmental statements, each bureau shall submit to the Departmental EQO on or before May 31, 1974 a list of the actions, if any, within its jurisdiction which it considers would normally require impact statements and a list of those which may require statements depending on the circumstances. Pursuant to § 1500.7(d) of the Guidelines, the lists should indicate any types of action which would appear to require public hearings as to environmental aspects.

In view of the nature of Treasury activities referred to above, no effort need be made to list actions which normally would not require statements, unless the bureau believes that there is some special reason to do so as to a particular category. Since legislative matters will be subject to Department-wide criteria, they may be omitted unless the bureau considers that there is some particular need to set forth types of legislation with which it is concerned.

(e) When a decision to prepare an environmental impact statement on a proposed administrative action is made, it shall promptly be announced in the FEDERAL REGISTER. The Departmental EQO will provide the Bureau EQO with

a sample of such an announcement. In addition, whenever an announcement is published, letters transmitting a copy shall be sent to each agency or person, public or private, believed to have a special interest in or knowledge of the matter (see CEQ Guidelines, § 1500.6(e)).

(f) The Departmental EQO shall cause to be maintained for public inspection a list of all matters in the Department as to which it has been decided to prepare an impact statement, shall consolidate the list quarterly, and as it is so revised, shall transmit it to the Council (see CEQ Guidelines, § 1500.6(e)).

(g) Each impact statement shall first be issued in draft, for comment by government agencies and the public as appropriate. A final statement responsive to comments received shall then be issued. The requirements for the preparation and circulation of the draft and final statements are indicated in sections 3–10 below.

(h) Whenever under the normal policies or procedures of a bureau a hearing would be held on a matter requiring the preparation of an environmental impact statement, the environmental aspects should be included in the hearing. In other cases the question of whether a hearing should be held with respect to an environmental matter shall be determined in accordance with the criteria set forth in § 1500.3(d) of the Guidelines. Normally, all hearings contemplated in this paragraph should be based on a draft environmental impact statement, which should in any event be made available to the public at least 15 days before the hearing.

(i) If as the result of the consideration of a proposed action as provided for by (b) above it is determined that no environmental impact statement is required under section 102(2)(C) of NEPA, a succinct but complete negative statement describing the action, the environmental impacts considered and the reasons why it has been concluded that an impact statement need not be filed shall be prepared by the head of the bureau having jurisdiction over the matter or by an officer specifically designated by him for the purpose. The Bureau EQO shall participate as appropriate in the preparation of such statements, which shall be submitted for the review and approval of the Departmental EQO. A file of such negative statements, available for public inspection, shall be maintained by the Bureau EQO (see CEQ Guidelines, § 1500.6(e)).

3. *Time scheduling.* (a) The timing of the preparation, circulation, submission, and public availability of environmental impact statements is of vital importance, and the minimum time schedules set forth in §§ 1500.9(f) and 1500.11(b) and (c), and, when pertinent, § 1500.7(d) of the CEQ Guidelines shall be carefully followed.

(b) In general, these time schedules require observance of the following time periods:

(i) Not less than 45 days for comment on draft statements, subject to a possible extension of up to 15 days (see CEQ Guidelines, § 1500.9(f));

(ii) Not less than 90-day and 30-day periods, respectively, which may run concurrently, for public availability of draft and final statements prior to administrative actions (CEQ Guidelines, § 1500.11(b));

(iii) Not less than 15 days for public availability of draft statements prior to any relevant hearings on proposed administrative actions (CEQ Guidelines, § 1500.7(d)).

(c) The periods specified in the preceding subsection are to be calculated from the date on which the CEQ has published in the FEDERAL REGISTER a weekly list in which the respective statement is included (CEQ Guidelines, § 1500.11(c)).

(d) In case the scheduling of Congressional hearings with respect to legislative proposals does not permit fulfillment of the normal time periods and related procedures, a draft statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text (CEQ Guidelines, § 1500.12(b)).

(e) In the event of emergencies or overriding considerations of expense, the CEQ may be consulted, through the Departmental EQO, on possible variations of the specified periods (CEQ Guidelines, § 1500.11(e)).

4. *General considerations as to utilization of impact statements.* (a) Environtal impact statements are to be utilized with the greatest effectiveness possible in the process of assessing and reviewing proposed departmental policies, programs, and projects. All bureaus should take special care in determining at what stage or stages of a series of actions relating to a particular matter the environmental impact statement procedures covered by this directive shall be applied. As already indicated (section 2(b) above), the preparation of a requisite impact statement should be undertaken as early as possible in the bureau's process of considering the respective proposal. The normal process of the bureau for consideration and review of actions shall be followed, with such adjustment, particularly as to time periods, as may be necessary to permit ample fulfillment of the requirements of NEPA, the CEQ Guidelines, and these procedures (see CEQ Guidelines, §§ 1500.3(a) and 1500.11(b)).

(b) As indicated in § 1500.9(a) of the CEQ Guidelines and contemplated in section 2(b) above, a general principle to be applied is to obtain the views of other agencies at the earliest feasible time in the development of program or project proposals. Duplication in the clearance process should be avoided, but significant changes or redirections of a proposal may call for further environmental analysis and comment (CEQ Guidelines, § 1500.11(b)).

(c) If the action to be dealt with in an impact statement involves an applicant, the bureau should, if any interim activity of such person is otherwise permissible under the requirements normally applicable, establish limitations thereon pending completion and review of the final statement relating to the matter, so as to prevent any prejudice to the full consideration of the environmental aspects.

5. *EPA procedures under the Clean Air Act.* (a) The attention of all bureaus and bureau EQOs is specifically directed to § 1500.9(b) of the CEQ Guidelines which, pursuant to section 309 of the Clean Air Act (42 U.S.C. 1857h–7), requires that comment from the Environmental Protection Agency (EPA) is to be requested on the environmental impact of proposed legislation and regulations and of new construction projects and any major action significantly affecting the quality of the human environment, in areas of EPA responsibility, which include: Air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and generally applicable environmental radiation criteria and standards.

(b) Where an environmental impact statement is being filed with EPA for comment, no special additional procedure is required. However, proposed legislation or regulations in areas of EPA responsibility must be referred to that agency for comment, even if no environmental impact statement under section 102(2)(C) of NEPA is to be filed.

6. *Securing information required in preparation of environmental impact statements.* (a) The full resources of the Department should be tapped in developing the factual and analytic information and reference sources required in the preparation of an environmental impact statement. Further, in the great majority of instances, the assistance of other agencies with jurisdiction by law or special expertise concerning the environmental impacts involved should be sought. See section 2(b) above, and § 1500.9(a) and Appendixes II and III of the CEQ Guidelines, which list the agencies to be consulted.

(b) If Bureau EQOs have difficulties in securing requisite information or need guidance in making the necessary analysis, they should consult with the Department EQO, who will assist in locating needed information through appropriate staff members of the Council on Environmental Quality, the Office of Management and Budget, and the Environmental Protection Agency, or other pertinent sources.

7. *Obtaining of comments on draft statements.* (a) With respect to draft environmental impact statements, it is essential that the bureaus consult with and take account of the comments of appropriate Federal, state, and local agencies. Initially this consultation may take the form of informal fact finding and analytical advice in the preparation of impact statements, as contemplated in sections 2 and 6 above, but in any event, consultation shall involve the formal solicitation of review and comments on the draft statement (CEQ Guidelines, § 1500.9(a)–(b)). When appropriate, the

procedures set forth in Office of Management and Budget Circular No. A–95 for obtaining state and local comments through clearing houses shall be utilized (CEQ Guidelines, § 1500.9(c)).

(b) Comments should also be requested from private organizations or persons which appear to have a special interest in some significant environmental aspect of the proposed action (CEQ Guidelines, § 1500.9(d)).

8. *Content of environmental impact statements.* (a) Environmental impact statements are to provide adequate, meaningful, and factual information and analysis to permit an evaluation of the action from the environmental standpoint. Perfunctory generalities are not acceptable, but, on the other hand, information should be conveyed as succintly and understandably as the subject will permit. Quantitative information about the proposed action, including actual or estimated data on its probable effects, should be included to the furthest extent practicable. Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the environmental impact statement sent to the commenting agencies and to the Council on Environmental Quality and made available to the public.

(b) The basic content requirements for a draft statement are set forth in § 1500.8 of the CEQ Guidelines and those for a final statement in § 1500.10. Appendix I of the Guidelines provides the format of a summary sheet which must accompany each draft and final statement. Statements by all bureaus shall follow the prescribed outline and content requirements as closely as is feasible in each particular case.

(c) All reasonable alternatives and their environmental impacts are to be discussed, regardless of whether or not they are within the authority of the Department (CEQ Guidelines, § 1500.8(a)(4)).

(d) Any substantial points of view in opposition to the proposed action on environmental grounds which are known to exist shall be described in the draft statement as well as in the final statement. So far as possible, quotations of salient passages from expressions of such points of view should be included to make sure there is no doubt that they have been accurately presented. As to final statements, CEQ has directed (Guidelines, § 1500.10(a)) that all substantive comments (or if any is exceptionally voluminous, a summary thereof) received on the draft should be attached to each copy, whether or not each such comment is thought to merit individual discussion in the text of the statement.

(e) Each draft and final statement should refer to the underlying studies, reports and other documents considered by the preparing bureau and should indicate how such documents may be obtained. In general, with the exception of standard reference documents such as Congressional materials, the bureau should maintain a file of the respective documents which may be consulted by interested persons. Even if especially significant documents are attached to the statement, care should be taken to insure that it remains an essentially self-contained instrument easily understood by the reader without the need for undue cross reference (CEQ Guidelines, § 1500.8(b)).

(f) Environmental impact statements should, to the extent possible, include statements or findings concerning environmental impact required by other statutes, such as section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470f), with a view to the issuance of a single document meeting all applicable requirements. Any procedures or instructions issued by the Federal agency having jurisdiction with regard to such a statute should, of course, be consulted in the preparation of the combined statement.

9. *Filing and distribution of environmental impact statements.* (a) Ten copies of each draft or final statement are to be filed with CEQ (Guidelines, § 1500.11(a)).

(b) At the same time that each draft statement is filed with the Council, copies should also be sent to all pertinent entities, i.e., Federal, state, and local agencies, and private organizations and individuals (CEQ Guidelines, § 1500.9).

(c) At the same time that each final statement is filed with the Council, copies should also be sent to all entities which made substantive comments on the draft statement, or requested a copy, so that they may be appropriately informed (CEQ Guidelines, § 1500.10(b)).

10. *Availability of environmental impact statements to the public.* (a) Environmental impact statements, both draft and final, and any substantive comments thereon shall be made available to the public pursuant to the Freedom of Information Act (5 U.S.C. 552), the Department's regulations thereunder (31 CFR Part 1), and the disclosure regulations of the bureau. These documents are to be placed in the public reading room in the Treasury Library in the Main Treasury Building in Washington, D.C., and the public reading rooms of the bureau if any are maintained, and may be read or copied during working hours. When appropriate, copies of each statement shall also be made available through State, regional, and metropolitan clearinghouses, or such alternate point as the Governor of the respective State may designate to CEQ (Guidelines, § 1500.11(d)).

(b) A notice of the filing and availability of each environmental impact statement, draft and final, shall be inserted in the FEDERAL REGISTER by the responsible bureau. The Departmental EQO will supply a sample outline of such notices. Whenever appropriate, bureaus should also utilize, in coordination with the Departmental EQO, other methods for publicizing the existence of draft statements, such as, for example, supplying information to local newspapers or sending notice direct to nongovernmental groups or persons believed to be interested (CEQ Guidelines, §1500.9(d)).

(c) The initial printing of each statement should be sufficient to meet the anticipated demand, not only of agencies, organizations, and individuals who must receive copies as required by section 9 above (§§ 1500.9 and 1500.10(b) of the CEQ Guidelines), but also for a reasonable number of additional requests. Copies to be made available to the public shall normally be provided without charge, but when costs are significant, the bureau may, with the approval of the Departmental EQO, establish a fee which shall not exceed the actual cost of reproducing the copies additional to those required to be sent to other governmental agencies (CEQ Guidelines, § 1500.9(d)).

(d) If the supply of copies of a statement provided for in the preceding paragraph has been exhausted, or a requestor seeks more than one copy without an appropriate reason, attention should be directed to the publication service of the National Technical Information Service of the Department of Commerce, which has been designated as the long-term "publisher" of environmental impact statements, and which offers for sale to the public the environmental impact statements of all Federal agencies. Orders should be placed with the Ordering Department, National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

11. *Utilization of final impact statements in decisional process.* (a) Section 102(2)(C) of NEPA requires that the final environmental impact statement shall accompany the proposal to which it relates through the agency review process.

(b) In this process pertinent non-environmental factors are to be considered and balanced with those relating to the environment. It is requisite that the entire process be based on an administrative record in which the statement is included and fully taken into account together with the relevant non-environmental factors presented in the record. At each level of the review process an appropriate document of findings, conclusion, and decision carefully weighing the environmental considerations and the other relevant factors appearing in the record should be prepared by the responsible officer. In the initial stages this document may take the form of a recommendation to higher authority. Although no significant factor should be neglected, the document should give particular attention to any appreciable adverse environmental effects set forth in the impact statement and should closely, though succinctly, balance them with any other relevant interests and considerations of Federal policy set forth in the record, including particularly an analysis of the alternatives to the proposed action and their relationship to the non-environmental factors. The final decision may of course rely on the recommendations of subordinate officers, but if there is any variation it should contain sufficient analysis to make clear the essential bases of the determination.

12. *Treasury comments on statements of other agencies.* (a) As set forth in sec-

tion 1(a)(vii) above and pursuant to Appendix III of the CEQ Guidelines, the Departmental EQO shall receive all environmental impact statements submitted by other agencies for comment and coordinate the appropriate review and reply. If any bureau receives a request for comment direct from another agency, it shall consult with the Departmental EQO.

(b) Comments should of course be confined to matters within the jurisdiction or expertise of the Department. However, comments need not be limited to environmental aspects but may relate to fiscal, economic, and other non-environmental matters of concern to the Department.

(c) At the time comments are sent to the agency responsible for a statement, five copies shall be forwarded to the five copies shall be forwarded to the CEQ by the Departmental EQO (CEQ Guidelines, § 1500.11(a)). Copies of replies indicating that the Department has no comment on an impact statement should not be forwarded to the CEQ.

(d) With regard to requests for comment on statements relating to proposals for legislation, close coordination shall be maintained between the office of the Departmental EQO and Office of the General Counsel in relation to the latter's normal responsibility concerning departmental comments on legislative proposals themselves.

Effective date. These procedures are effective as of _____, 1974.

WARREN F. BRECHT,

[FR Doc.74-3128 Filed 2-7-74;8:45 am]

federal register

FRIDAY, FEBRUARY 8, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 28

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED 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 rule-making 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 Decisions Nos. AQ–2042 and AQ–2049 for the State of Pennsylvania.

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

Connecticut:	
AQ–3020	Oct. 12, 1973
Florida:	
AP–196	June 8, 1973
Georgia:	
AM–472, AM–473, AM–474, AM–475.	Aug. 20, 1971
Illinois:	
AP–689, AP–690, AP–691, AP–692, AP–693, AP–695, AP–696, AP–698, AP–699, AP–1000, AP–1001, AP–1002, AP–1003, AP–1004, AP–1005, AP–1006, AP–1008, AP–1010, AP–1011.	June 8, 1973
Louisiana:	
AQ–39	Oct. 26, 1973
Michigan:	
AQ–3049, AQ–3051, AQ–3053, AQ–3061, AQ–3062, AQ–3065, AQ–3066.	Dec. 21, 1973
New York:	
AQ–2028	Nov. 9, 1973
North Carolina:	
AQ–4032	Do.
Pennsylvania:	
AP–835	May 25, 1973
AQ–2012, AQ–2013, AQ–2014, AQ–2015.	Aug. 17, 1973
AQ–2025	Oct. 19, 1973
Rhode Island:	
AQ–2009	Aug. 24, 1973
Utah:	
AQ–1069	Jan. 11, 1974
Florida:	
AQ–4006; AQ–4056	Feb. 8, 1974

Supersedeas decisions to general wage determination decisions. 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 decisions being superseded:

Illinois:	
AP–602 (AQ–3094)	Jan. 12, 1973
AP–694 (AQ–3077), AP–697 (AQ–3078), AP–1007 (AQ–3079, AP–1009 (AQ–3080).	June 8, 1973
AP–1012 (AQ–3086, AP–1013 (AQ–3087), AP–1014 (AQ–3088), AP–1015 (AQ–3089), AP–1016 (AQ–3090), AP–1017 (AQ–3091), AP–1018 (AQ–3092), AP–1019 (AQ–3093).	June 1, 1973
Indiana:	
AP–602 (AQ–3094)	Jan. 12, 1973
Kentucky:	
AP–602 (AQ–3094)	Do.
Missouri:	
AP–602 (AQ–3094)	Do.
Nevada:	
AP–264 (AQ–1080)	Mar. 9, 1973
New Jersey:	
AM–1718 (AQ–2054)	Aug. 1, 1971
Ohio:	
AP–602 (AQ–3094)	Jan. 12, 1973
Oregon:	
AQ–1022 (AQ–1079)	Sept. 7, 1973
Pennsylvania:	
AP–824 & 825 (AQ–2053)	May 18, 1973
Puerto Rico:	
AP–412 (AQ–2052)	Aug. 18, 1973
South Dakota:	
AQ–1057 (AQ–1084)	Nov. 9, 1973
West Virginia:	
AP–602 (AQ–3094)	Jan. 12, 1973
Wyoming:	
AQ–1010 (AQ–1078)	Aug. 10, 1973

Signed at Washington, D.C., this 1st day of February 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

STATE: Pennsylvania
DECISION NO: AQ-2049
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Allegheny
DATE: Date of Publication

PA-2-R-1-D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$9.255	.35	.40		.3%	
Carpenters	8.54	5%	7%+a			
Cement masons	8.24	6%	10%+6%			
Electricians	9.10	.35	.20+1%	.60	.05	
Ironworkers	8.775	.785	.775		.03	
Laborers	5.05					
Painters, brush	6.35					
Plasterers	6.88					
Plumbers	9.11	.60	.625		.125	
Roofers	6.26					
Sheet metal workers	8.23	.45	.70			
Soft floor layers	7.875	5%	5%+b		.5%	
Tile setters	5.10					
Truck drivers	5.05					
Drywall sander	4.75				..	
Drywall taper	6.00					
Power Equipment Operators:						
Backhoe	9.425	.50	.50		.09	
Hilift	9.425	.50	.50		.09	

FOOTNOTES:

a. Employer contributes 6% of gross wages to a saving fund.

b. Employer contributes 4.5% of gross pay to a saving fund.

State: Pennsylvania
Decision No.: AQ-2042
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

Counties: Adams & York
Date: Date of Publication

1-67-PA-1 A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.16	.42	.30		.01	
Boliermakers	9.12	.50	1.00	.25	.01	
Bricklayers & Stonemasons	7.65	.25	.45			
Carpenters & (York County)	7.49	.25	.30		.03	
Carpenters & (Adams County)	7.65	.25	.25		.02	
Cement Masons (Adams County)	7.515	.25	.25			
Cement Masons (York County)	7.44	.25	.25		.01	
Electricians	8.80	.25	1%+.15		.01	
Elevator Constructors	8.07	.345	.23	2%+a+b	.015	
Elevator Constructors helpers	5.65	.345	.23	2%+a+b	.015	
Elevator Constructors helpers (prob)	4.035					
Ironworkers	8.46	.64	1.06		.05	
Laborers:						
Laborers (unskilled), Window Cleaners & Fire watch	5.00	.30	.25			
Operators of jackhammers, paving breakers, WACO barko & air tampers, chipping hammers, vibrators & all other pneumatic & mechanical tools coming under the jurisdiction of laborers whether operated by air, electricity or any other means, & vacumm cleaner	5.20	.30	.25			
Wagon & track drill operators	5.30	.30	.25			
Handling of all materials used by masons,lathers, plasterers, cement finishers, cement mixers, gunniting, also mixing of all materials used by masons, plasterers & cement finishers whether done by hand or any other process, building of scaffold for staging for masons & plasterers, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, handling & using of burning torches, laying of precast concrete slabs for flooring or roofing.	5.15	.30	.25			
Laborers assisting tile, marble setters & terrazzo workers	5.05	.30	.25			
Handling & using dynamite	5.33	.30	.25			
Mixer man (after 10 bricklayers on job)	5.40	.30	.25			
Caisson work(top man)	5.25	.30	.25			
(bottom man)	5.45	.30	.25			
Line Construction:						
Linemen, cable splicers	8.42	.15	1%		½%	
Winch truck operator	5.89	.15	1%		½%	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Millwrights (Adams County)	$8.79	.25	.25		.02	
Millwrights (York County)	7.99	.25	.30		.03	
Painters:						
Brush	6.25	.25	.15			
Steel & Spray	6.80	.25	.15			
Piledrivermen	9.42	1.23	.55		.07	
Plasterers (York County	7.15	.25	.25		.01	
Plasterers (Adams County)	7.55	.25	.25		.01	
Plumbers	8.90	.30	.40		.12	
Roofers:						
Composition	7.10	.25	.20	.05		
Slate, tile	7.50	.25	.20	.05		
Helpers	5.355	.25	.20	.05		
Sheet metal workers	8.43	.52	.50			
Soft floor layers (Adams County)	7.39	.25	.25		.02	
Soft floor layers (York County)	7.39	.25	.30		.03	
Sprinkler fitters	9.05	.40	.60		.07	
Steamfitters	8.90	.30	.40		.12	
Wlders: Receive rate for craft						

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid Holidays: Washington Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

67-PA-1 A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Millwrights (Adams County)	$8.79	.25	.25		.02	
Millwrights (York County)	7.99	.25	.30		.03	
Painters:						
Brush	6.25	.25	.15			
Steel & Spray	6.80	.25	.15			
Piledrivermen	9.42	1.23	.55		.07	
Plasterers (York County	7.15	.25	.25		.01	
Plasterers (Adams County)	7.55	.25	.25		.01	
Plumbers	8.90	.30	.40		.12	
Roofers:						
Composition	7.10	.25	.20	.05		
Slate, tile	7.50	.25	.20	.05		
Helpers	5.355	.25	.20	.05		
Sheet metal workers	8.43	.52	.50			
Soft floor layers (Adams County)	7.39	.25	.25		.02	
Soft floor layers (York County)	7.39	.25	.30		.03	
Sprinkler fitters	9.05	.40	.60		.07	
Steamfitters	8.90	.30	.40		.12	
Wlders: Receive rate for craft						

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid Holidays: Washington Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-22-PEO-1-D 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION
(CONTINUE)

PA-2[illegible] PEO-1-D 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP VII					
All machines with booms (including jib, masts, leads, etc.):					
100 ft. and over	$9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.94	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

DECISION #AQ-3020 - Mod. #3
(38 FR 28503 - October 12, 1973)
Tolland County, Connecticut

Change:
Building, Heavy and Highway Const.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lead burners	$8.75	.30		c	.01	
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work, and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected there with	7.15	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

DECISION #AP-196 - Mod. #5
(38 FR 15229 - June 8, 1973)
Bay County, Florida.

Add:
Electricians (commercial) $5.16

DECISION #AQ-4006 - Mod. #1
(38 FR 22842 - August 24, 1973)
Brevard, Indian River, Lake, Orange, Osceola, Seminole, & Volusia Counties, Florida.

Change Brevard & Volusia Counties to read:
Brevard and Volusia Counties (excluding Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base; and Melabar Radar Site)

DECISION #AQ-4056 - Mod. #2
(39 FR 3390 - January 25, 1974)
Brevard and Volusia Counties (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site), Florida.

Add to Description of Work:
Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AM-472 - Mod. #1 (36 FR 16420 - August 20, 1971) Baldwin, Bibb, Burke, Butts, Carroll, Chattahoochee, Clarke, Columbia, Coweta, Crawford, Crisp, Dooly, Emanuel, Fayette, Greene, Hancock, Harris, Heard, Houston, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamor and Lincoln Counties, Georgia.						
Omit:						
Carpenters' helpers	$2.35					
Power Equipment Operators:						
Mechanics' helpers	2.35					
DECISION #AM-473 - Mod. #1 (36 FR 16421 - August 20, 1971) Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bullock, Calhoun, Camden, Chandler, Charlton, Clay, Clinch and Coffee Counties, Georgia.						
Omit:						
Carpenters' helpers	2.00					
Power Equipment Operators:						
Mechanics' helpers	2.00					
DECISION #AM-474 - Mod. #1 (36 FR 16423 - August 20, 1971) Clayton, Cobb, DeKalb, Fulton and Henry Counties, Georgia.						
Omit:						
Carpenters' helpers	2.25					
Power Equipment Operators:						
Mechanics' helpers	2.50					
DECISION #AM-475 - Mod. #1 (36 FR 16424 - August 20, 1971) Bryan, Chatham and Liberty Counties, Georgia.						
Omit:						
Carpenters' helpers	2.50					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-689 - Mod. #5 (38 FR 15247 - June 8, 1973) Champaign County, Illinois						
CHANGE:						
Asbestos Workers	$9.00	.30	.20		.02	
Boilermakers	8.55	.40	.65		.01	
Elevator Constructors:						
Elevator Constructors	7.505	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Lathers	8.04	.30	.20		.01	
Leadburners	8.75	.30		c	.01	
OMIT:						
Schedule for Power Equipment Operators						
Truck Drivers Schedule						
ADD:						
Glaziers	7.70	.25	.15			
Schedule for Power Equipment Operators						
Truck Drivers Schedule						

DECISION #AP-689 CONT'D

ILLINOIS-1-PEO-1 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS:						
CLASS I						
Master Mechanic	$8.575	.30	.50		.05	
CLASS II						
Utility Operator	8.475	.30	.50		.05	
CLASS III						
Power cranes, Draglines, Derricks, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoists, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24", Dredging equipment, Central mix plant engineer, concrete spreader Air compressors 200 cu ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco paver, Boring Machine, Tractors w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver,						

DECISION #AP-689 CONT'D

ILLINOIS-1-PEO-1 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
POWER EQUIPMENT OPERATORS (CONT'D)						
CLASS III (CONT'D)						
Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System	$8.30	.30	.50		.05	
CLASS IV						
Power Sub-Grader, Bull Float, Form grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 200 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on paint pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser	6.65	.30	.50		.05	

DECISION #AP-689 CONT'D

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and firemen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-690 - Mod. #4						
(38 FR 15250 - June 8, 1973)						
Cook County, Illinois						
CHANGE:						
Electricians	$9.50	.70	.61	.42	.045	
Elevator Constructors:						
Elevator Constructors	9.445	.395	.26	2%+a&b	.005	
Helpers	6.61	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Lathers	8.85	.46	.345			
Leadburners	8.75	.30		c	.01	
Painters:						
Brush, Decorators & Paperhangers	8.05	.375	.20		.007	
Sprinkler Fitters	9.50	.45	.60		.12	
Tile Setters	8.65	.30-5/8	.425			
Line Construction:						
Linemen	9.50	5%	1%+3%	8½%	½%	
Groundmen	7.75	5%	1%+3%	8½%	½%	
DECISION #AP-691 - Mod. #4						
(38 FR 15256 - June 8, 1973)						
DuPage County, Illinois						
CHANGE:						
Bricklayers:						
All Territory within County South of Butterfield Road from East to West	$9.50	.40	.60		.03	
Electricians	9.84	3%	4%	5%	½ of 1%	
Elevator Constructors:						
Elevator Constructors	9.445	.395	.26	2%+a&b	.005	
Helpers	6.61	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Ironworkers:						
Nat'l. Accl. Lab. & Remainder of County	10.29	.40	.275		.045	
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen & Digger Operator	8.55	.35	1%		½%	
Groundmen-Equip. & Tractor Opr.	5.71	.35	1%		½%	
Groundmen	5.51	.35	1%		½%	
Tile Setters	8.65	.30-5/8	.425			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-692 - Mod. #4						
(38 FR 15260 - June 8, 1973)						
Kane County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$9.50	.40	.60			
Ironworkers, All	10.29	.40	.275		.045	
Lathers	9.05	.40			.01	
Leadburners	8.75	.30		a	.01	
Tile Setters	8.65	.30-5/8	.425			
Tile Setters' Helpers	7.60	.30-5/8	.425			
Electricians:						
Northern ½ of County	9.81	3%	4%	6%	.5 of 1%	
Southern ½ of County	9.60	4½%	1%	6%	½%	
DECISION #AP-693 - Mod. #3						
(38 FR 15263 - June 8, 1973)						
Lake County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$9.50	.40	.60		.03	
Elevator Constructors:						
Elevator Constructors	9.445	.395	.26	2%+a&b	.005	
Helpers	6.61	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Lathers	8.85	.46	.345			
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	8.55	.35	1%		½%	
Groundmen	5.51	.35	1%		½%	
Sprinkler Fitters:						
Within 30 Mile Radius of Chicago City Hall	9.50	.45	.60		.12	
Tile Setters	8.65	.30-5/8	.425			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-695 - Mod. #3						
(38 FR 15270 - June 8, 1973)						
Peoria & Tazewell Counties, Illinois						
CHANGE:						
Boilermakers	$8.55	.40	.65		.01	
Elevator Constructors:						
Elevator Constructors	7.945	.395	.26	2%+a&b	.005	
Helpers	70%JR	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Ironworkers, All	8.05	.40	.475			
Lathers	8.22	.25	.20		.01	
Leadburners	8.75	.30		c	.01	
OMIT:						
Truck Drivers Schedule(Peoria Co., & City of E. Peoria in Tazewell)						
ADD:						
Truck Drivers Schedule(Peoria Co., & City of E. Peoria in Tazewell)						

DECISION #AP-695 CONT'D

ILLINOIS-2-TD-1-2-3

PEORIA CO. & CITY OF E. PEORIA IN TAZEWELL CO.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

DECISION #AP-696 - Mod. #2
(38 FR 15276 - June 8, 1973)
Rock Island County, Illinois

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Asbestos Workers	$8.05	.25	.25		.10	
Boilermakers	8.55	.40	.65		.01	
Bricklayers & Stonemasons	7.91	.35	.30		.02	
Carpenters & Soft Floor Layers	7.46	.35	.35		.02	
Elevator Constructors:						
Elevator Constructors	7.70	.345	.23	2%+a&b.	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.1048	.45	.65			
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	7.86	.35	1%		.25%	
Cable Splicers	8.01	.35	1%		.25%	
Groundmen Truck Drivers:						
With Winch	5.64	.35	1%		.25%	
Without Winch	5.44	.35	1%		.25%	
Groundmen:						
Over 6 Months	5.44	.35	1%		.25%	
Less Than 6 Months	4.16	.35	1%		.25%	
Piledrivermen	7.71	.35	.35		.02	
Plasterers	8.18					
Plumbers & Steamfitters	8.00	.34	.55		.11	
OMIT:						
Truck Drivers Schedule						
ADD:						
Truck Drivers Schedule						

DECISION #AP-696 CONT'D

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and firemen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

DECISION #AP-698 - Mod. #3
(38 FR 15284 - June 8, 1973)
Sangamon County, Illinois

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Elevator Constructors:						
Elevator Constructors	$7.505	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.70	.25	.15			
Lathers	8.40					
Leadburners	8.75	.30		c	.01	
Power Equipment Operators:						
Class I	8.05	.30	.40		.05	
Class II	7.25	.30	.40		.05	
Class III	6.85	.30	.40		.05	
OMIT:						
Truck Drivers Schedule						
ADD:						
Truck Drivers Schedule						

DECISION #AP-698 CONT'D

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-699 - Mod. #2 (38 FR 15287 - June 8, 1973) Vermilion County, Illinois						
CHANGE:						
Asbestos Workers	$9.00	.30	.20		.02	
Boilermakers	8.55	.40	.65		.01	
Bricklayers & Stonemasons	8.575	.30				
Carpenters:						
North of Rossville						
Carpenters, Piledrivermen & Soft Floor Layers	8.45	.35	.30			
Remainder of County						
Carpenters, Piledrivermen & Soft Floor Layers	7.94	.45	.25		.02	
Millwrights	8.19	.45	.25		.02	
Cement Masons & Plasterers	7.75					
Elevator Constructors:						
Elevator Constructors	7.505	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Lathers	8.04	.30	.20			
Leadburners	8.75	.30		c	.01	
Marble & Terrazzo Workers	8.575	.30				
Plumbers & Steamfitters	7.95	.30	.25		.05	
Tile Setters	8.325	.30				
OMIT: Schedules for Power Equipment Operators & Truck Drivers						
ADD: Schedules for Power Equipment Operators & Truck Drivers						

DECISION #AP-699 CONT'D

ILLINOIS-1-PEO-1 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
CLASS I						
Master Mechanic	$8.575	.30	.50		.05	
CLASS II						
Utility Operator	8.475	.30	.50		.05	
CLASS III						
Power cranes, Draglines, Derricks, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoists, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24", Dredging equipment, Central mix plant engineer, concrete spreader Air compressors 200 cu ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco paver, Boring Machine, Tractors w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver,						

DECISION #AP-699 CONT'D

ILLINOIS-1-[illegible] 1 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
CLASS III (CONT'D)						
Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System	$8.30	.30	.50		.05	
CLASS IV						
Power Sub-Grader, Bull Float, Form grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 200 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on paint pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Fulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser	6.65	.30	.50		.05	

DECISION #AP-699 CONT'D

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

DECISION #AP-1000 - Mod. #2
(38 FR 15291 - June 8, 1973)
Williamson County, Illinois

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Electricians	$9.20	.25	1%+.20		½%	
Elevator Constructors:						
Elevator Constructors	8.14	.345	.26	2%+a&b	.005	
Helpers	70%JR	.345	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Leadburners	8.75	.30		c	.01	
Plumbers & Steamfitters	8.25	.35	.50		.04	
OMIT:						
Power Equipment Schedule						
Truck Drivers Schedule						
ADD:						
Power Equipment Schedule						
Truck Drivers Schedule						

DECISION #AP-1000 CONT'D

Illinois-17-PEO-1-2-3 (1 of 3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 1						
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubbertired; Flex-plane; Gradall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-dirreck; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to Pugmill; Pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader	$8.15	.30	.45		.035	
CLASS 2						
Roller, self-propelled, Power sub-grader; Elevator operator	7.80	.30	.45		.035	
CLASS 3						
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	7.55	.30	.45		.035	
CLASS 4						
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	7.25	.30	.45		.035	
CLASS 5						
Oiler; All wheel type tractors, Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	6.85	.30	.45		.035	

DECISION #AP-1000 CONT'D

Illinois-17-PEO-1-2-3- (2 of 3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 6						
Air Compressor w/value driving piling Air Compressors, 2(220 cu. ft. cap. or over); Air track drills, Air track drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float Power operator; Concrete saws, (Two); Hudr-lift (single motor); Straw mulcher blower w/spout	$7.80	.30	.45		.035	
CLASS 7						
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled	7.55	.30	.45		.035	
CLASS 8						
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	7.05	.30	.45		.035	
CLASS 9						
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (two); Pumps (Two); or Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or Pump; Pipeline track jack	7.00	.30	.45		.035	
CLASS 10						
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (one); Conveyor Op. on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) Pump (one); Welding machine (one) Ulmac or Equal Spreader	6.75	.30	.45		.035	

DECISION #AP-1000 CONT'D

Illinois-17-PEO-1-2-3 (3 of 3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
POWER EQUIPMENT OPERATORS (Cont'd) RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS						
CLASS 11						
Crane, shovel, dragline 4 yds. or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$8.25	.30	.45		.035	
CLASS 12						
Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	7.25	.30	.45		.035	

DECISION #AP-1000 CONT'D

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1001 - Mod. #3 (38 FR 15294 - June 8, 1973) Will County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$10.20	.30				
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	9.51	.40	.75			
Electricians	9.50	.25	1%+.20	6%	.2%	
Lathers	9.60		.25			
Leadburners	8.75	.30		a	.01	
Line Construction:						
Linemen	9.50	.25	1%+.20	6%	.2%	
Cable Splicer	9.90	.25	1%+.20	6%	.2%	
Groundmen	8.50	.25	1%+.20	6%	.2%	
Sheet Metal Workers	9.45	.35	.45		.02	
Terrazzo Workers	7.85	.30				
Tile Setters	8.65	.30-5/8	.425			
DECISION #AP-1002 - Mod. #3 (38 FR 15298 - June 8, 1973) Winnebago County, Illinois						
CHANGE:						
Asbestos Workers	$8.37	.45	.60	.50	.03	
Bricklayers & Stonemasons	7.30	.30	.40	.45	.02	
Carpenters, Soft Floor Layers & Piledrivermen	7.60	.25	.35		.02	
Millwrights	8.28	.25	.25		.02	
Elevator Constructors:						
Elevator Constructors	7.79	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Leadburners	8.75	.30		c	.01	
Plumbers & Steamfitters	8.25	.35	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1003 - Mod. #4 (38 FR 15302 - June 8, 1973) Cook County, Illinois						
CHANGE:						
Electricians	$9.50	.70	.61	.42	.045	
Elevator Constructors:						
Elevator Constructors	9.445	.395	.26	2%+a&b	.005	
Helpers	6.61	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Lathers	8.85	.46	.345			
Leadburners	8.75	.30		c	.01	
Painters:						
Brush, Decorators, Paperhangers	8.05	.375	.20		.007	
Sprinkler Fitters	9.50	.45	.60		.12	
Tile Setters	8.65	.30-5/8	.425			
Line Construction:						
Linemen	9.50	5%	1%+3%	8½%	½%	
Groundmen	7.75	5%	1%+3%	8½%	½%	
DECISION #AP-1004 - Mod. #4 (38 FR 15305 - June 8, 1973) DuPage County, Illinois						
CHANGE:						
Bricklayers:						
All Territory within County South of Butterfield Road from East to West	$9.50	.40	.60		.03	
Electricians	9.84	3%	4%	5%	½ of 1%	
Elevator Constructors:						
Elevator Constructors	9.445	.395	.26	2%+a&b	.005	
Helpers	6.61	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Ironworkers:						
Nat'l. Accl. Lab & Remainder of County	10.29	.40	.275		.045	
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen, Digger Operator	8.55	.35	1%		½%	
Groundman-Equip. & Tractor Opr.	5.71	.35	1%		½%	
Groundmen	5.51	.35	1%		½%	
Tile Setters	8.65	.30-5/8	.425			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1005 - Mod. #4 (38 FR 15309 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$9.50	.40	.60			
Ironworkers, All	10.29	.40	.275		.045	
Lathers	9.05	.40			.01	
Leadburners	8.75	.30		a	.01	
Tile Setters	8.65	.30-5/8	.425			
Tile Setters' Helpers	7.60	.30-5/8	.425			
Electricians:						
Northern ½ of County	9.81	3%	4%	6%	.5 of 1%	
Southern ½ of County	9.60	4½%	1%	6%	½%	
DECISION #AP-1006 - Mod. #3 (38 FR 15312 - June 8, 1973) Lake County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$9.50	.40	.60		.03	
Elevator Constructors:						
Elevator Constructors	9.445	.395	.26	2%+a&b	.005	
Helpers	6.61	.395	.26	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Lathers	8.85	.46	.345			
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	8.55	.35	1%		½%	
Groundmen	5.51	.35	1%		½%	
Sprinkler Fitters:						
Within 30 Mile Radius of Chicago City Hall	9.50	.45	.60		.12	
Tile Setters	8.65	.30-5/8	.425			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1008 - Mod. #2 (38 FR 15319 - June 8, 1973) Peoria & Tazewell Counties, Illinois						
CHANGE:						
Boilermakers	$8.55	.40	.65		.01	
Elevator Constructors:						
Elevator Constructors	7.945	.395	.26	2%+a&b	.005	
Helpers	70%JR	.395	.26	2%+a&b	.005	
Helpers (Prob.)						
Ironworkers, All	8.05	.40	.475			
Lathers	8.22	.25	.20		.01	
Leadburners	8.75	.30		c	.01	
OMIT:						
Truck Drivers Schedule(Peoria Co. & City of E. Peoria in Tazewell)						
ADD:						
Truck Drivers Schedule(Peoria Co. & City of E. Peoria in Tazewell)						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

DECISION #AP-1010 - Mod. #3
(38 FR 15203 - June 8, 1973)
Sangamon County, Illinois

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Carpenters:						
1 & 2 Family Dwellings	$5.67	.35	.45		.05	
Over 2 Family Dwellings	6.45	.35	.45		.05	
Elevator Constructors:						
Elevator Constructors	7.505	.345	.23	2%+a&b	.005	
Helpers	70%JR	.345	.23	2%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.70	.25	.15			
Lathers	8.40					
Leadburners	8.75	.30		c	.01	
Power Equipment Operators:						
Class I	8.05	.30	.40		.05	
Class II	7.25	.30	.40		.05	
Class III	6.85	.30	.40		.05	
OMIT:						
Truck Drivers Schedule						
ADD:						
Truck Drivers Schedule						

DECISION #AP-1010 CONT'D

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1011 - Mod. #3 (38 FR 15329 - June 8, 1973) Will County, Illinois						
CHANGE:						
Bricklayers & Stonemasons	$10.20	.30				
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	9.51	.40	.75			
Electricians	9.50	.25	1%+.20	6%	.2%	
Lathers	9.60		.25			
Leadburners	8.75	.30		a	.01	
Line Construction:						
Linemen	9.50	.25	1%+.20	6%	.2%	
Cable Splicer	9.90	.25	1%+.20	6%	.2%	
Groundmen	8.50	.25	1%+.20	6%	.2%	
Sheet Metal Workers	9.45	.35	.45		.02	
Terrazzo Workers	7.85	.30				
Tile Setters	8.65	.30-5/8	.425			
DECISION #AQ-39 - Mod. #3 (38 FR 29752 - October 26, 1973) Rapides Parish, Louisiana						
Change:						
Carpenters:						
Millwrights	$6.90					
Carpenters	6.15					
Piledrivermen	6.65					

DECISION #AQ-3049 - Mod. #1
(38 FR 35145 - December 21, 1973)
Allegan County, Michigan

Change:
Building and Heavy Construction:
Bricklayers and stonemasons:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Southeast 1/3 lower 1/2 of County	$8.50	.35	.35		.09	
Lead burners	8.75	.30		b	.01	
Plasterers	8.54	.32	.18		.03	
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-3051 - Mod. #1
(38 FR 35149 - December 21, 1973)
Baraga, Houghton, Keweenaw and Ontonagon Counties, Michigan

Change:
Building and Heavy Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lead burners	$8.75	.30		d	.01	
Laborers:						
Class A	$5.55	.35	.30			
Class B	5.65	.35	.30			
Class C	5.95	.35	.30			
Class D	6.10	.35	.30			
Truck Drivers:						
Regular	6.02	e17.00	e10.00	a		
Heavy duty, double axle, semi-drivers	6.15	e17.00	e10.00	a		
Euclids	6.38	e17.00	e10.00	a		
Truck repair and maintenance	6.23	e17.00	e10.00	a		
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-3053 - Mod. #1
(38 FR 35152 - December 21, 1973).
Calhoun County, Michigan

Change:
Building and Heavy Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$8.75	.34	.35			
Lead burners	8.75	.30		c	.01	
Plasterers	8.54	.32	.18		.03	
Plumbers	8.96	.50	.40			
Stone masons	8.75	.34	.35			
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-3061 - Mod. #1
(38 FR 35166 - December 21, 1973)
Ingham County, Michigan

Change:
Building and Heavy Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lead burners	$8.75	.30		d	.01	
Line Construction Schedule						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-3062 - Mod. #1
(38 FR 35170 - December 21, 1973)
Kalamazoo County, Michigan

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building and Heavy Construction:						
Bricklayers	$8.50	.35	.35		.09	
Lead burners	8.75	.30		c	.01	
Plasterers	8.54	.32	.18		.03	
Stonemasons	8.50	.35	.35		.03	
Terrazzo workers	7.40	.35	.05			
Tile setters	7.40	.34	.05			
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-3065 - Mod. #1
(38 FR 35174 - December 21, 1973)
Saginaw County, Michigan

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building and Heavy Construction:						
Electricians	$10.00		1%+.15		½ of 1%	
Lead burners	8.75	.30		d	.01	
Truck Drivers:						
Under 8 yds.	5.97	c17.00	c18.00	.20		
Over 8 yds.	6.07	c17.00	c18.00	.20		
Euclid	6.17	c17.00	c18.00	.20		
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-3066 - Mod. #1
(38 FR 35178 - December 21, 1973)
Muskegon and Oceana Counties, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building and Heavy Construction:						
Lead burners	$8.75	.30		c	.01	
Plasterers	8.54	.32	.18		.03	
LINE CONSTRUCTION:						
Linemen	$7.28	.25	1%	a	½ of 1%	
Combination digger operator-ground man or tractor operator	5.70	.25	1%	a	½ of 1%	
Combination winch truck driver-groundman:						
1st 6 months	4.19	.25	1%	a	½ of 1%	
Over 6 months	4.79	.25	1%	a	½ of 1%	
Combination truck driver-groundman	4.06	.25	1%	a	½ of 1%	
Cable splicer	7.58	.25	1%	a	½ of 1%	
Groundman	4.06	.25	1%	a	½ of 1%	
Light equipment operator-groundman	5.01	.25	1%	a	½ of 1%	
Distribution line truck driver operator-groundman	5.01	.25	1%	a	½ of 1%	

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. 7 Paid Holidays. A through F plus the Day after Thanksgiving Day.

DECISION #AQ-2,028 - Mod. #1
(38 FR 31135 - November 9, 1973)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Omit:						
Laborers, heavy & highway construction						
Add:						
Laborers, heavy & highway construction:						
Laborers:						
General laborers	$6.80	9%	7%+.80	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	7.05	9%	7%+.80	a		
Concrete finisher on Highways, blaster, form setter	7.21	9%	7%+.80	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

DECISION #AQ-4032 - Mod. #1
(38 FR 31093 - November 9, 1973)
Wake County, North Carolina

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Ironworkers:						
Structural & ornamental	$4.00					
Reinforcing	4.25					

DECISION #AP-835-MOD. #6
(38 FR - 14066 - May 25, 1973)
Lehigh County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Line Construction						
Lineman	$9.035	.25	1%		3/4of1%	
Winch Truck operator	6.32	.25	1%		3/4of1%	
Groundman	5.42	.25	1%		3/4 of 1%	
Lead Burners	8.75	.30		c	.01	
Sprinkler Fitters	9.05	.40	.60		.07	

DECISION #AQ-2012 -MOD #2
(38 FR 22344 -August 17, 1973)
Philadelphia County, Pennsylvania

CHANGE

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	9.62	.50	.50			
Boilermakers	9.12	.50	1.00	.25	.01	
Lead Burners	8.75	.30		c	.01	

DECISION #AQ-2,013 -MOD. #2
(38 FR 22347 - August 17, 1973)
Montgomery County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	9.62	.50	.50			
Boilermaker	9.12	.50	1.00	.25	.01	
Electricians:						
Remainder of County	10.25	.35	1%+.22		1½%	
Lead Burners	8.75	.30		d	.01	
Sprinkler Fitters	9.05	.40	.60		.07	

DECISION #AQ-2014 -MOD. #3
(38 FR 22350 - August 17, 1973)
Delaware County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$9.62	.50	.50			
Boilermakers	9.12	.50	1.00	.25	.01	
Lead Burners	8.75	.30		c	.01	
Sprinkler Fitters	9.05	.40	.60		.07	

DECISION #AQ-2015 - MOD. #2
(38 FR 22353 - August 17, 1973)
Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	9.62	.50	.50			
Boilermakers	9.12	.50	1.00	.25	.01	
Lead Burners	8.75	.30		c	.01	

DECISION #AQ-2025 - MOD. #2
(38 FR 29184 - October 19, 1973)
Berks County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	8.16	.42	.30		.01	
Boilermakers	9.12	.50	1.00	.25	.01	
Lead Burners	8.75	.30		a	.01	
Line Construction						
Lineman	9.035	.25	1%		3/4of1%	
Winch Truck Operator	6.32	.25	1%		3/4of1%	
Groundman	5.42	.25	1%		3/4of1%	
Sprinkler Fitters	9.05	.40	.60		.07	

DECISION #AQ-2009 - Mod. #3
(38 FR 22874 - August 24, 1973)
Providence County, Rhode Island

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Electricians:						
Up to and including 3 stories	$5.25	.38	1%		.02	
Above 3 stories	8.40	.38	1%+.25		.02	

DECISION NO. AQ-1069 - Mod. #1
(38 FR 17225-January 11, 1974)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers	$8.44	.24	.22		.01
Ironworkers:					
Ornamental; Reinforcing; Fence Erector and Structural	7.53	.50	.65		.05
Plasterers	7.56	.45	.45		.01

SUPERSEDEAS

STATE: Florida
DECISION NUMBER: AQ-4067
Supersedes Decision No. AM-8590 dated March 17, 1972 in 37 FR 5655.
DESCRIPTION OF WORK: Dredging

COUNTY: See below*
DATE: Date of Publication

*Atlantic Coast and Gulf Coast West to the Aucilla River and all Tributary Waterways, Florida

DREDGE-2-ATLANTIC-M 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$ 5.94	.25	.25	a		
Mate	5.21	.25	.25	a		
Welder	5.42	.25	.25	a		
Derrick operator	5.67	.25	.25	a		
Spill barge operator	5.52	.25	.25	a		
Spider barge operator	5.52	.25	.25	a		
Tug master	5.15	.25	.25	a		
Carpenter	5.63	.25	.25	a		
Tug mate	4.85	.25	.25	a		
Electricians	5.79	.25	.25	a		
Machinist	5.57	.25	.25	a		
Steward	4.32	.25	.25	a		
Oiler and fireman	4.14	.25	.25	a		
Deckhand, tug deckhand	3.78	.25	.25	a		
Shoreman	3.68	.25	.25	a		
Second cook	3.78	.25	.25	a		
Messman	3.68	.25	.25	a		
HYDRAULIC DREDGES 16" UP TO BUT NOT INCLUDING 20"						
Leverman	5.38	.25	.25	a		
First engineer	5.04	.25	.25	a		
Second engineer	4.90	.25	.25	a		
Third engineer	4.75	.25	.25	a		
Welder	5.15	.25	.25	a		
Mate	4.43	.25	.25	a		
Oiler and firemen	4.08	.25	.25	a		
Deckhand	3.78	.25	.25	a		
Launchman	4.14	.25	.25	a		
Shoreman	3.68	.25	.25	a		
Spill and spider barge operators	4.58	.25	.25	a		
Cook	4.08	.25	.25	a		
Mess cook	3.74	.25	.25	a		
Messman and janitor	3.65	.25	.25	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	5.79	.25	.25	a		
Craneman	5.63	.25	.25	a		
First engineer	4.85	.25	.25	a		
Second engineer	4.72	.25	.25	a		
Third engineer	4.43	.25	.25	a		
Welder	5.15	.25	.25	a		
Mate	4.78	.25	.25	a		
Fireman	4.13	.25	.25	a		
Deckhand	3.78	.25	.25	a		
Launchman	4.14	.25	.25	a		
Scowman	3.86	.25	.25	a		
Cook	4.08	.25	.25	a		
Mess cook	3.74	.25	.25	a		
Messman and janitor	3.65	.25	25	a		

DREDGE-2-ATLANTIC-M 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
TUGS (TENDING DIPPER & CLAMSHELL DREDGES)						
Tug master	$ 5.28	.25	.25	a		
Tug mate	4.92	.25	.25	a		
Engineer	5.28	.25	.25	a		
Assistant engineer	4.78	.25	.25	a		
Dekchand	3.71	.25	.25	a		
Cook	3.86	.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 5% of straight time pay.

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
DECISION NUMBER: AQ-3094 DATE: Date of Publication
Supersedes Decision No. AP-602 dated January 12, 1973 in 38 FR 1433
DESCRIPTION OF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; and the Upper Mississippi River between Miles 0.0 and 195.0

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Area I - Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.						
Leverman, Engineer, Mechanic, and Boatman	$9.47					
Oiler and Helper	8.24					
Area II - Within the geographical jurisdiction of the Louisville District, Corps of Engineers.						
Levermen, Engineer, Mechanic, and Boatman	9.16					
Oiler	7.51					
Helper	7.51					
Area III - Within the geographical jurisdiction of the Huntington Dictrict, Corps of Engineers.						
Leverman	9.03					
Engineer, Mechanic & Boatman	8.65					
Oiler	7.02					
Helper	7.02					

STATE: Illinois
COUNTY: Madison
DECISION NUMBER: AQ-3077
DATE: Date of Publication
Supersedes Decision No. AP-694 dated June 8, 1973, in 38 FR 15266
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

60-ILLINOIS 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$9.53	.20	.17			
Boilermakers	8.35	.40	.95		.01	
Boilermakers' Helpers	8.10	.40	.95		.01	
Bricklayers & Stonemasons:						
Granite City & Vicinity	8.25		.50	1.00	.04	
Alton, Wood River & Vicinity	9.10	.30	.50			
Edwardsville, Marine, Highland & Troy	8.46		.30	.60		
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	8.785	.45	.30			
Cement Masons	8.575	.40	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	8.44	.25	1%		.2%	
Remainder of County	8.73	4%	1%+.40	6%	.25%	
Elevator Constructors:						
Elevator Constructors	5.56	.105	.125	½% + a&b	.005	
Helpers	70%JR					
Helpers (Prob.)	50%JR					
Ironworkers-Structural, Ornamental & Reinforcing	8.65	.45	.65			
Laborers:						
Alton:						
Common Laborer	7.50	.25	.30		.035	
Laying Sewer & all Sewer Work	7.60	.25	.30		.035	
Well Digging Gunnite Machine & Nozzle Operator on Gunnite	7.75	.25	.30		.035	
Sandblasting, Rip/Rapping Work	7.75	.25	.30		.035	
Wood River:						
Common Laborer	7.75	.25	.30		.035	
Laying Sewer & All Sewer Work	7.85	.25	.30		.035	
Well Digging, Machine & Nozzle Opr. on Gunnite	8.00	.25	.30		.035	
Granite City, Madison, Venice, Nameoki & Mitchell:						
Common Laborers	7.35	.35	.35		.035	
Open Well	7.85	.35	.35		.035	
Cutting, Burning & Welding	7.625	.35	.35		.035	
Plasterers' & Brickmasons Tenders	7.85	.35	.35		.035	
Dynamite & Powdermen	8.875	.35	.35		.035	
Dynamite & Powdermen Helpers	7.875	.35	.35		.035	

60 ILLINOIS 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Laborers: (Cont'd)						
Collinsville:						
Burning & Cutting W/Torch (2 Men)	$8.10		.20		.035	
Raking & Luting Asphalt & Power Saw	8.10		.20		.035	
Mason Tenders & Plasterer Tenders	8.35		.20		.035	
Dynamite Men	9.15		.20		.035	
Dynamite Men Helpers	8.40		.20		.035	
Common Laborers	7.85		.20		.035	
Edwardsville:						
Common Laborer	7.80		.25		.035	
Men working in Main Sewer Ditch	8.05		.25		.035	
Plasterer & Mason Tenders	8.30		.25		.035	
Dynamite & Powder Men	9.325		.25		.035	
Dynamite & Powder Men Helpers	8.325		.25		.035	
Glen Carbon:						
Common Laborer	7.30	.35	.20		.035	
Mason & Plasterer Tenders	7.80	.35	.20		.035	
Dynamite Men	8.825	.35	.20		.035	
Dynamite Men Helpers	7.825	.35	.20		.035	
Highland:						
Common Laborers	7.70		.20		.035	
Mason & Plasterers Tenders	8.20		.20		.035	
Workmen cutting & burning w/a torch	8.00		.20		.035	
Livingston:						
Common Laborers	7.70		.20		.035	
Working on bottom of Sewer	8.00		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Marine:						
Common Laborer	7.70		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Working on the bottom of Sewer	8.00					
Troy:						
Common Laborer	7.70		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Working on the bottom of Sewer	8.00		.20		.035	
St. Jacob:						
Common Laborer	7.70		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Working in Sewer Trenches	8.00		.20		.035	
Lathers	8.435			.65	.01	
Leadburners	8.75	.30		c	.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Line Construction:						
Alton & Vicinity						
Linemen	$8.44	.25	1%		.2%	
Groundmen Truck Driver W/O Winch	5.53	.25	1%		.2%	
Groundmen Truck Driver W/Winch	5.88	.25	1%		.2%	
Groundmen	5.38	.25	1%		.2%	
Remainder of County						
Linemen	8.84	4%	1%		.25%	
Groundmen Equipment Operator	7.67	4%	1%		.25%	
Groundmen Truck Driver W/Winch	6.24	4%	1%		.25%	
Groundmen Truck Driver WO/Winch	6.24	4%	1%		.25%	
Pick Up Jeeps	5.82	4%	1%		.25%	
Groundmen	5.78	4%	1%		.25%	
Marble Setters:						
Alton, Wood River & Vicinity	9.10	.30	.50			
Remainder of County	8.69	.17	.45			
Plasterers	9.075				.01	
Plumbers & Steamfitters:						
North ½ of County north of Mitchell	9.45	6%	6%			
Southern ½ of County	8.25	.33	.42	.42		
Roofers:						
Composition, Slate & Tile	7.25	.27	.30	.40	.03	
Kettlemen	5.25	.27	.30	.40	.03	
Sheet Metal Workers	8.18	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	
Terrazzo & Tile Workers:						
Alton, Wood River & Vicinity	9.10	.30	.50			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
REPAINT RESIDENTIAL	$7.50	.35	.15			
RESIDENTIAL AND COMMERCIAL	7.85	.35	.15			
INDUSTRIAL	8.10	.35	.15			
ROLLERS ON COMMERCIAL & RESIDENTIAL	8.10	.35	.15			
BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.35	.35	.15			
ROLLER ON INDUSTRIAL WORK	8.60	.35	.15			
ROLLER ON BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.85	.35	.15			
SAND AND WATER BLASTING, SPRAY AND STEAM CLEANING WILL PAY A PREMIUM OF $1.00 PER HOUR, AIRLESS SPRAY WHERE THE FAN WIDTH IS OVER 24" SHALL PAY $1.40 PER HOUR PREMIUM, MECHANICAL TOOLS AND DEVICES SUCH AS POWER SANDERS AND BUFFERS, NEEDLE GUNS, TAPING TOOLS, ETC., SHALL BE PAID FOR AT $.75 PER HOUR ABOVE THE APPLICABLE SCALE.						

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C-
GROUP I						
Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required)Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05	

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
GROUP II						
Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III						
Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV						
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V						
Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI						
a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	

Hard rock mining - $.25 per hour premium pay above existing rates

ILLINOIS-2-TD-1-2-3

TRUCK DRIVERS AREA 1	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois
COUNTY: St. Clair
DECISION NUMBER: AQ-3078
DATE: Date of Publication
Supersedes Decision No. AP-697, dated June 8, 1973, 38 FR, 15279
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$9.53	.20	.17			
Boilermakers	8.35	.40	.95		.01	
Boilermakers' Helpers	8.10	.40	.95		.01	
Bricklayers & Stonemasons:						
Belleville & Vicinity	8.60		.30	1.00		
E. St. Louis & Vicinity	8.46		.30	.60		
Carpenters:						
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	8.735	.40	.50			
Cement Masons	8.575	.40	.25			
Electricians	8.73	4%	1%+.40	6%	.25%	
Elevator Constructors:						
Elevator Constructors	5.56	.105	.125	½%+a&b	.005	
Helpers	70%JR	.105	.125	½%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.46	c	.40	8%d	.01	
Ironworkers, Structural, Ornamental & Reinforcing	8.65	.40	.65			
Laborers:						
East St. Louis & Vicinity						
Laborers	7.35	.35	.35		.035	
Bottom Men on Sewer Work	7.60	.35	.35		.035	
Dynamite Men	8.875	.35	.35		.035	
Hod Carriers:						
Plastering	7.75	.25	.35		.035	
Masonry	7.95	.20	.20			
Belleville & Vicinity						
Laborers	7.65	.25	.20		.035	
Bottom Men on Sewer Work	7.90	.25	.20		.035	
Dynamite Men & Powder Men	9.15	.25	.20		.035	
Hod Carriers	8.15	.20	.20			
Plasterers' Tenders	8.15	.20	.20			
O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon & Vicinity						
Laborers	7.85		.20		.035	
Bottom Men on Sewer Work	8.10		.20		.035	
Brickmason Tenders	8.35		.20		.035	
Plasterers' Tenders	8.35		.20		.035	
Mortar Mixers	8.35		.20		.035	
Freeburg & Vicinity						
Laborers	7.70		.20		.035	
All Sewer Work	8.00		.20		.035	
Mason Tenders	8.20		.20		.035	
Plasterers' Tenders	8.20		.20		.035	
Dynamite Men	9.30		.20		.035	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers (Cont'd)						
New Athens & Vicinity						
Laborers	$7.45	.25	.20		.035	
Bottom Men on Sewer Work	7.70	.25	.20		.035	
Mason & Plaster Tenders	7.95	.25	.20		.035	
Dynamite Men	9.30	.25	.20		.035	
Line Construction:						
Linemen	8.84	4%	1%		.25%	
Groundmen Equipment Operators	7.67	4%	1%		.25%	
Groundmen Truck Drivers:						
With Winch	6.24	4%	1%		.25%	
Without Winch	6.24	4%	1%		.25%	
Pick-Ups or Jeeps	5.82	4%	1%		.25%	
Groundmen	5.78	4%	1%		.25%	
Marble Setters	8.69	.17	.45			
Lathers	8.435			.65	.01	
Leadburners	8.75	.30		e	.01	
Plasterers	9.075				.01	
Plumbers & Steamfitters:						
East St. Louis & Vicinity	8.25	.33	.42	.42		
Belleville & Vicinity & Scott AFB	9.25		.75			
Roofers:						
Composition, Slate & Tile	7.25	.27	.30	.40	.03	
Kettlemen	5.25	.27	.30	.40	.03	
Sheet Metal Workers	8.18	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	

Welders - receive rate prescribed for craft performing operation to which welding is incidential.

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six (6) paid holidays: A through F.

c. Employer contributes $45.67 per month per employee.

d. Ten (10) paid holidays: A through F plus Washington's Birthday; Columbus Day; Veterans Day; & Friday after Thanksgiving Day.

e. Nine (9) paid holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
REPAINT RESIDENTIAL	$7.50	.35	.15			
RESIDENTIAL AND COMMERCIAL	7.85	.35	.15			
INDUSTRIAL	8.10	.35	.15			
ROLLERS ON COMMERCIAL & RESIDENTIAL	8.10	.35	.15			
BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.35	.35	.15			
ROLLER ON INDUSTRIAL WORK	8.60	.35	.15			
ROLLER ON BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.85	.35	.15			
SAND AND WATER BLASTING, SPRAY AND STEAM CLEANING WILL PAY A PREMIUM OF $1.00 PER HOUR, AIRLESS SPRAY WHERE THE FAN WIDTH IS OVER 24" SHALL PAY $1.40 PER HOUR PREMIUM, MECHANICAL TOOLS AND DEVICES SUCH AS POWER SANDERS AND BUFFERS, NEEDLE GUNS, TAPING TOOLS, ETC., SHALL BE PAID FOR AT $.75 PER HOUR ABOVE THE APPLICABLE SCALE.						

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O...
GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or back-fillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required)Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
GROUP II Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	

Hard rock mining - $.25 per hour premium pay above existing rates

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois
COUNTY: Madison
DECISION NUMBER: AQ-3079
DATE: Date of Publication
Supersedes Decision No. AP-1007 dated June 8, 1973, in 38 FR 15315
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
Asbestos Workers	$9.53	.20	.17			
Boilermakers	8.35	.40	.95		.01	
Boilermakers' Helpers	8.10	.40	.95		.01	
Bricklayers & Stonemasons:						
Granite City & Vicinity	8.00		.50	1.00	.04	
Alton, Wood River & Vicinity Edwardsville, Marine, Highland & Troy	8.46		.30	.60		
Carpenters:						
Carpenters-Single family, Duplex	8.385	.45	.30			
Cement Masons	8.575	.40	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	8.44	.25	1%		.2%	
Remainder of County	8.73	4%	1%+.40	6%	.25%	
Elevator Constructors:						
Elevator Constructors	5.56	.105	.125	½% + a&b	.005	
Helpers	70%JR					
Helpers (Prob.)	50%JR					
Ironworkers-Structural, Ornamental & Reinforcing	8.65	.45	.65			
Laborers:						
Alton:						
Common Laborer	7.50	.25	.30		.035	
Laying Sewer & all Sewer Work	7.60	.25	.30		.035	
Well Digging Gunnite Machine & Nozzle Operator on Gunnite	7.75	.25	.30		.035	
Sandblasting, Rip/Rapping Work	7.75	.25	.30		.035	
Wood River:						
Common Laborer	7.75	.25	.30		.035	
Laying Sewer & All Sewer Work	7.85	.25	.30		.035	
Well Digging, Machine & Nozzle Opr. on Gunnite	8.00	.25	.30		.035	
Granite City, Madison, Venice, Nameoki & Mitchell:						
Common Laborers	7.35	.35	.35		.035	
Open Well	7.85	.35	.35		.035	
Cutting, Burning & Welding	7.625	.35	.35		.035	
Plasterers' & Brickmasons Tenders	7.85	.35	.35		.035	
Dynamite & Powdermen	8.875	.35	.35		.035	
Dynamite & Powdermen Helpers	7.875	.35	.35		.035	

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	Basic Hourly Rates	Fringe Benefits Payment: H & W	Pensions	Vacation	App. Tr.	Othe
Laborers: (Cont'd)						
Collinsville:						
Burning & Cutting W/Torch (2 Men)	$8.10		.20		.035	
Raking & Luting Asphalt & Power Saw	8.10		.20		.035	
Mason Tenders & Plasterer Tenders	8.35		.20		.035	
Dynamite Men	9.15		.20		.035	
Dynamite Men Helpers	8.40		.20		.035	
Common Laborers	7.85		.20		.035	
Edwardsville:						
Common Laborer	7.80		.25		.035	
Men working in Main Sewer Ditch	8.05		.25		.035	
Plasterer & Mason Tenders	8.30		.25		.035	
Dynamite & Powder Men	9.325		.25		.035	
Dynamite & Powder Men Helpers	8.325		.25		.035	
Glen Carbon:						
Common Laborer	7.30	.35	.20		.035	
Mason & Plasterer Tenders	7.80	.35	.20		.035	
Dynamite Men	8.825	.35	.20		.035	
Dynamite Men Helpers	7.825	.35	.20		.035	
Highland:						
Common Laborers	7.70		.20		.035	
Mason & Plasterers Tenders	8.20		.20		.035	
Workmen cutting & burning w/a torch	8.00		.20		.035	
Livingston:						
Common Laborers	7.70		.20		.035	
Working on bottom of Sewer	8.00		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Marine:						
Common Laborer	7.70		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Working on the bottom of Sewer	8.00					
Troy:						
Common Laborer	7.70		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Working on the bottom of Sewer	8.00		.20		.035	
St. Jacob:						
Common Laborer	7.70		.20		.035	
Mason & Plasterer Tenders	8.20		.20		.035	
Working in Sewer Trenches	8.00		.20		.035	
Lathers	8.435			.65	.01	
Leadburners	8.75	.30		c	.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Line Construction:						
Alton & Vicinity						
Linemen	$8.44	.25	1%		.2%	
Groundmen Truck Driver W/O Winch	5.53	.25	1%		.2%	
Groundmen Truck Driver W/Winch	5.88	.25	1%		.2%	
Groundmen	5.38	.25	1%		.2%	
Remainder of County						
Linemen	8.84	4%	1%		.25%	
Groundmen Equipment Operator	7.67	4%	1%		.25%	
Groundmen Truck Driver W/Winch	6.24	4%	1%		.25%	
Groundmen Truck Driver WO/Winch	6.24	4%	1%		.25%	
Pick Up Jeeps	5.82	4%	1%		.25%	
Groundmen	5.78	4%	1%		.25%	
Marble Setters:						
Alton, Wood River & Vicinity	9.10	.30	.50			
Remainder of County	8.69	.17	.45			
Plasterers	9.075				.01	
Plumbers & Steamfitters:						
North ½ of County north of Mitchell	9.45	6%	6%			
Southern ½ of County	8.25	.33	.42	.42		
Roofers:						
Composition, Slate & Tile	7.25	.27	.30	.40	.03	
Kettlemen	5.25	.27	.30	.40	.03	
Sheet Metal Workers	8.18	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	
Terrazzo & Tile Workers:						
Alton, Wood River & Vicinity	9.10	.30	.50			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
REPAINT RESIDENTIAL	$7.50	.35	.15			
RESIDENTIAL AND COMMERCIAL	7.85	.35	.15			
INDUSTRIAL	8.10	.35	.15			
ROLLERS ON COMMERCIAL & RESIDENTIAL	8.10	.35	.15			
BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.35	.35	.15			
ROLLER ON INDUSTRIAL WORK	8.60	.35	.15			
ROLLER ON BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.85	.35	.15			
SAND AND WATER BLASTING, SPRAY AND STEAM CLEANING WILL PAY A PREMIUM OF $1.00 PER HOUR, AIRLESS SPRAY WHERE THE FAN WIDTH IS OVER 24" SHALL PAY $1.40 PER HOUR PREMIUM, MECHANICAL TOOLS AND DEVICES SUCH AS POWER SANDERS AND BUFFERS, NEEDLE GUNS, TAPING TOOLS, ETC., SHALL BE PAID FOR AT $.75 PER HOUR ABOVE THE APPLICABLE SCALE.						

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
GROUP I						
Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required)Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating gracers, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05	

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP II						
Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III						
Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV						
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V						
Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI						
a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	

Hard rock mining - $.25 per hour premium pay above existing rates

ILLINOIS-2-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois
DECISION NUMBER: AQ-3080
COUNTY: St. Clair
DATE: Date of Publication
Supersedes Decision No. AP-1009, dated June 8, 1973, in 38 FR 15324
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$9.53	.20	.17			
Boilermakers	8.35	.40	.95		.01	
Boilermakers' Helpers	8.10	.40	.95		.01	
Bricklayers & Stonemasons:						
Belleville & Vicinity	8.60		.30	1.00		
E. St. Louis & Vicinity	8.46		.30	.60		
Carpenters:						
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	8.735	.40	.50			
Cement Masons	8.575	.40	.25			
Electricians	8.73	4%	1%+.40	6%	.25%	
Elevator Constructors:						
Elevator Constructors	5.56	.105	.125	½%+a&b	.005	
Helpers	70%JR	.105	.125	½%+a&b	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.46	c	.40	8%+d	.01	
Ironworkers, Structural, Ornamental & Reinforcing	8.65	.40	.65			
Laborers:						
East St. Louis & Vicinity						
Laborers	7.35	.35	.35		.035	
Bottom Men on Sewer Work	7.60	.35	.35		.035	
Dynamite Men	8.875	.35	.35		.035	
Hod Carriers:						
Plastering	7.75	.25	.35		.035	
Masonry	7.95	.20	.20			
Belleville & Vicinity						
Laborers	7.65	.25	.20		.035	
Bottom Men on Sewer Work	7.90	.25	.20		.035	
Dynamite Men & Powder Men	9.15	.25	.20		.035	
Hod Carriers	8.15	.20	.20			
Plasterers' Tenders	8.15	.20	.20			
O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon & Vicinity						
Laborers	7.85		.20		.035	
Bottom Men on Sewer Work	8.10		.20		.035	
Brickmason Tenders	8.35		.20		.035	
Plasterers' Tenders	8.35		.20		.035	
Mortar Mixers	8.35		.20		.035	
Freeburg & Vicinity						
Laborers	7.70		.20		.035	
All Sewer Work	8.00		.20		.035	
Mason Tenders	8.20		.20		.035	
Plasterers' Tenders	8.20		.20		.035	
Dynamite Men	9.30		.20		.035	

82-ILLINOIS 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers (Cont'd)						
New Athens & Vicinity						
Laborers	$7.45	.25	.20		.035	
Bottom Men on Sewer Work	7.70	.25	.20		.035	
Mason & Plaster Tenders	7.95	.25	.20		.035	
Dynamite Men	9.30	.25	.20		.035	
Line Construction:						
Linemen	8.84	4%	1%		.25%	
Groundmen Equipment Operators	7.67	4%	1%		.25%	
Groundmen Truck Drivers:						
With Winch	6.24	4%	1%		.25%	
Without Winch	6.24	4%	1%		.25%	
Pick-Ups or Jeeps	5.82	4%	1%		.25%	
Groundmen	5.78	4%	1%		.25%	
Marble Setters	8.69	.17	.45			
Lathers	8.435			.65	.01	
Leadburners	8.75	.30		e	.01	
Plasterers	9.075				.01	
Plumbers & Steamfitters:						
East St. Louis & Vicinity	8.25	.33	.42	.42		
Belleville & Vicinity & Scott AFB	9.25		.75			
Roofers:						
Composition, Slate & Tile	7.25	.27	.30	.40	.03	
Kettlemen	5.25	.27	.30	.40	.03	
Sheet Metal Workers	8.18	.20	.25	6%	.01	
Sprinkler Fitters	8.75	.30	.50		.05	

Welders - receive rate prescribed for craft performing operation to which welding is incidential.

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six (6) paid holidays: A through F.

c. Employer contributes $45.67 per month per employee.

d. Ten (10) paid holidays: A through F plus Washington's Birthday; Columbus Day; Veterans Day; & Friday after Thanksgiving Day.

e. Nine (9) paid holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
REPAINT RESIDENTIAL	$7.50	.35	.15			
RESIDENTIAL AND COMMERCIAL	7.85	.35	.15			
INDUSTRIAL	8.10	.35	.15			
ROLLERS ON COMMERCIAL & RESIDENTIAL	8.10	.35	.15			
BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.35	.35	.15			
ROLLER ON INDUSTRIAL WORK	8.60	.35	.15			
ROLLER ON BRIDGES, GRAIN ELEVATORS, WATER, RADIO AND TELEVISION TOWERS, STACKS AND HAZARDOUS WORK	8.85	.35	.15			
SAND AND WATER BLASTING, SPRAY AND STEAM CLEANING WILL PAY A PREMIUM OF $1.00 PER HOUR, AIRLESS SPRAY WHERE THE FAN WIDTH IS OVER 24" SHALL PAY $1.40 PER HOUR PREMIUM, MECHANICAL TOOLS AND DEVICES SUCH AS POWER SANDERS AND BUFFERS, NEEDLE GUNS, TAPING TOOLS, ETC., SHALL BE PAID FOR AT $.75 PER HOUR ABOVE THE APPLICABLE SCALE.						

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05	

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP II						
Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III						
Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV						
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V						
Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI						
a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	

Hard rock mining - $.25 per hour premium pay above existing rates

ILLINOIS-2-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: AQ-3086
Supersedes Decision AP-1012, dated June 1, 1973, in 38 FR 14542
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

ILL-HWY-DIST. #1

COUNTIES: Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters & Piledrivermen:						
Boone & DeKalb Counties	$8.31	.25	.25			
DuPage & Lake Counties	9.15	.50	.63		.06	
Kane, Kendall & McHenry Counties	9.035	.35	.53			
Will County	9.51	.40	.75			
Cement Masons:						
Boone County	7.25	.25	.45			
DeKalb County	8.42	.20				
DuPage County	9.00	.50	.45		.03	
Kane, Kendall & McHenry Counties	9.00	.40	.50			
Lake County	9.00	.45	.45		.03	
Will County	9.15	.40	.35		.04	
Ironworkers:						
Boone County, DeKalb Co. (excluding S. E. 2/3 including Sycamore and DeKalb) and the N.W. ¼ of McHenry Co.	9.05	.40	.375		.05	
Kane County, Dekalb Co. (S.E. 2/3 including Sycamore and DeKalb), DuPage Co. (excluding Argonne & Vic.) the No. ½ of Kendall County and the S. E. ¼ of McHenry County	10.29	.40	.275			
Lake County and in McHenry County Hebron and Woodstock and East thereof	9.63	.79	.98		.05	
Will County, Argonne Vic. in DuPage Co. and the Southern ½ of Kendall County	9.25	1.75	.225		.02	
Laborers: (DeKalb County)						
Laborers, Lanscaping, Carpenters' Tenders	6.10	.20	.20		.035	
Mortar Mixers, Mason Tenders, Plaster Tenders, Vibrator & Jackhammers	6.30	.20	.20		.035	
Bottom Sewer Workers Plus Depth, Cofferdam, Caisson Workers, Gunnite Nozzlemen	6.40	.20	.20		.035	
Linemen:						
Will County	9.50	.25	1%+.20	6%	.2%	
Remainder of District #1	8.55	.35	1%		.25%	

BOONE, KANE, KENDALL & MCHENRY COS.

ILLINOIS-3-LAB-2-3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS I Common laborers, Asphalt laborers & helpers, Asphalt plant laborers, Stripping laborers, Concrete saw, Self-propelled saw, Laser beam	$6.50	.40	.30			
CLASS II Air tampers & Vibrators	6.55	.40	.30			
CLASS III Mortar & concrete mixers	6.60	.40	.30			
CLASS IV Stringline & form setters, Torchman, Sheeting & cribbing men, Black top rackers, Lutemen, Machine screwmen	6.65	.40	.30			
CLASS V Chain saw men, Jackhammermen, Drillmen, Concrete breaker, Air spade, Dynamite handlers (helpers)	6.75	.40	.30			
CLASS VI Tunnel men, Tile layers & Bottom men	6.85	.40	.30			
CLASS VII Caisson diggers, Dynamiters	7.00	.40	.30			

WILL COUNTY

ILLINOIS 8-LAB-1-2-3 1 of 3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Tunnel miners & all laborers inside tunnel, compressed air laborers, air blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work-8 ft. or more velow ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft. all air tools 8 ft. or more below ground level, all laborers on swinging & suspended scaffolds, chimney * silo laborers working at a height of 48 to 100 ft. all tamping hammers over 150 lbs., all laborers working inside of the sphere or any type to make of tank at a height of 48 ft. to 110 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$7.15	.47	.65			
Chimney & silo laborers for every additional 50 ft., or any part thereof above 100 ft. high-additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						
All laborers working on swinging-suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height-additional .50 per hour						

ILLINOIS 8-LAB-1-2-3 2 of 3

LABORERS - Continued:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CLASS II						
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers	$7.10	.47	.65			
CLASS III						
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on utility work, ground level down to 8 ft., blasting men helpers, pump-crete pipe handlers	7.00	.47	.65			
CLASS IV						
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	7.40	.47	.65			
CLASS V						
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.65	.47	.65			
CLASS VI						
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work-ground level down to 8 ft., catch basis & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers aire-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, cahin & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), salamander tenders for any purpose, water pumps, rip rap; electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, excepc roaf form setting						

LABORERS - Continued	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Steeting center strips, contraction & expansion joints (road work), unloading & handling therof of the following, brick, transite materials cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type of amke of scaffolding one foot to 48 ft., all laborers working of rank-minimum rate, all alborers working inside a sphere or any type or amke of tank from bottom to a height of 48 ft.-minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete of asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic eletric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flag men on all const., work defined herein, cleaning of cebris, removal of trees, concrete curing, temporary concrete protection, regardless of amnner or materials used, truck helpers, wrecking & demolition laborers all landscaping, laying or sod, and planting of trees	$6.90	.47	.65			

DUPAGE COUNTY

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS I Building Laborers, Grade Separation Laborers, Sewer & Water Laborers, Building Laborers, Pumps for Dewatering and other Unclassified Laborers	$6.90	.47	.65			
CLASS II Cement Gun Laborers, Scaffold Laborers, Chimney Laborers (over 40')	7.00	.47	.65			
CLASS III Cement Gun Laborers (Gunite), Windlass Men, Plasterers' Laborers	7.05	.47	.65			
CLASS IV Stone Derrickmen & Handlers	7.10	.47	.65			
CLASS V Plumbers' Laborers, Jackhammer, Power Driven Concrete Saws, Tampers and Pneumatic Tools, Concrete Vibrators	7.15	.47	.65			
CLASS VI Firebrick and Boiler Setter Laborers	7.25	.47	.65			
CLASS VII Caisson Diggers, Well Point System Men, Chimney Laborers (on Firebrick)	7.25	.47	.65			
CLASS VIII Boiler Setter Plastic Laborers	7.35	.47	.65			

LAKE COUNTY

ILLINOIS-25-LABORERS-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers	$6.90	.47	.65			
CLASS II						
Firebrick & Boiler Setter Laborers	7.225	.47	.65			
CLASS III						
Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers	7.35	.47	.65			
CLASS IV						
Caisson Diggers, Well Point System, Chimney Laborers on Firebrick	7.25	.47	.65			
CLASS V						
Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers	7.00	.47	.65			
CLASS VI						
Windlass and Operator	7.20	.47	.65			
CLASS VII						
Plasters Laborers	7.025	.47	.65			
CLASS VIII						
Jackhammer Men, Power Driven Concrete Saws	7.125	.47	.65			
CLASS IX						
Cement Gun Nozzle Laborers (Gunnite)	7.05	.47	.65			
CLASS X						
STREET PAVING, GRADE SEPARATION, SEWERS & WATER MAIN EXTENSIONS						
a General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers	6.90	.47	.65			
b Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains, Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws	7.25	.47	.65			
c Second Bottom Men	7.125	.47	.65			
d Tampers, Smoothers & Cement Gun Laborers	6.975	.47	.65			
e Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders	7.175	.47	.65			

ILLINOIS-10-PEO-2-3 1 of

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, travelling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, traveling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill-crane type, slip form paver, straddle buggies, tractor w/boom, tractaire-w/ attachments, trenching machine, underground boring & /or mining machine under 5 ft., wheel exacator widener (Apsco)	$9.60	.50	.50	.20	.05	
CLASS II						
Mechanic-welder, batch plant, bituminpus mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze						

POWER EQUIPMENT OPERATORS (CONTD):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self propelled compactor, spreader; chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats	9.05	.50	.50	.20	.05	
CLASS III						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger single drum, jeep diggers, pipe jacking machines, post hole diggers, power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form, motor driven	8.40	.50	.50	.20	.05	
CLASS IV						
Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)	7.40	.50	.50	.20	.05	
CLASS V						
Oilers	6.40	.50	.50	.20	.05	

BOONE COUNTY

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Air compressors & welding machines, Ambulances, Batch trucks, 2-34E batches or less, Batch trucks, 3-34E batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under helpers, Hoppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skip,en, Tramsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
GROUP II						
A fram truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel truck over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel truck 10 cubic yards & under, Slurry trucks 2 man operation, tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
GROUP III						
Dispatcher, Ready Mix Plant Hopper Operators	5.55	.25	.25			
GROUP IV						
Batch crets and/or adgetors under7 yds., Batch trucks, over 3-34E batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six(6) wheel trucks under 10 cubic yards	5.60	.15	.15			
GROUP V						
Batch crets & or adgetors 7 yds., or over, Cement tank truck 17 ton & over, Explosive and/or Fission Materail trucks, Low boy 6 axles & over, Mixer trucks 7 yds & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Sump over 16 yds., Slurry trucks 1 man operation.	5.80	.15	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. ...	Others
GROUP VI						
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equip,emt or similar equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

REMAINDER OF DIST. #1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
a. 2 or 3 axle trucks	$6.20	a12.00	a16.00			
b. 4 axle trucks	6.35	a12.00	a16.00			
c. 5 axle trucks	6.55	a12.00	a16.00			
d. 6 axle trucks	6.75	a12.00	a16.00			
CLASS II						
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	6.20	a12.00	a16.00			
CLASS III						
Car & truck washers	6.05	a12.00	a16.00			
CLASS IV						
Dispatcher	6.30	a12.00	a16.00			
CLASS V						
Dump crets & asgetors under 7 yards, mixer trucks under 7 yards	6.35	a12.00	a16.00			
CLASS VI						
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	6.55	a12.00	a16.00			
CLASS VII						
Master mechanic	6.75	a12.00	a16.00			
CLASS VIII						
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
a.Under 16 cubic yards	6.35	a12.00	a16.00			
b.Over 16 cubic yards	6.55	a12.00	a16.00			
CLASS IX						
Mechanic	6.40	a12.00	a16.00			
CLASS X						
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & dockmen, winch trucks 2 axles.	6.20	a12.00	a16.00			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS XI						
Ready-mix plant hopper operator	$6.35	a12.00	a16.00			
CLASS XII						
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	6.55	a12.00	a16.00			

FOOTNOTE:

a. Per week per employee

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$7.70	.35	.35	a		
Tool Dresser, Helper	7.30	.35	.35	a		

FOOTNOTE:

a. Six (6) paid Holidays: New Year's Memorial Day; Independence Day; Labor Day; Thankgiving Day; Christmas Day.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: AQ-3087
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AP-1013, dated June 1, 1973, in 38 FR 14552
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HWY. DIST. #2

COUNTIES: Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside and Winnebago	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters & Piledrivermen:						
Bureau County	$7.645		.25		.015	
Carroll, Stephenson & JoDaviess Cos.	7.48	.30				
Lee County	7.98	.25				
Whiteside County	7.88	.35				
Rock Island, Henry & Ogle Cos.(Oregon & South Thereof)	7.53	.35	.35			
Winnebago Co. & Ogle Co. (North of Oregon)	7.535	.25	.45		.025	
Cement Masons:						
Bureau County	8.20					
Carroll, JoDaviess, Lee, Ogle and Stephenson Cos., & Whiteside Co., (excluding Erie & S.W. thereof)	6.95	.30	.50			
Rock Island County, the western ½ of Henry County & in Whiteside Co., Erie & S.W. thereof	7.31	.40				
The Eastern ½ of Henry County	7.75	.20				
Winnebago County	7.25	.25	.45			
Ironworkers:						
Bureau County	9.45	.50	.375		.02	
Henry and Rock Island Counties, Thompson & Savanna & vicinity in Carroll County, E. Dubuque, Galena & Hanover & vicinities in JoDaviess County, & the Western ½ of Whiteside County	8.75	.40	.375		.02	
Lee, Ogle, Stephenson & Winnebago Cos., the Eastern ½ of Whiteside Co., & the remainder of Carroll & JoDaviess Cos.	9.05	.40	.375		.05	
Laborers:						
Rock Island County	6.25	.20	.20		.035	
Henry County	6.00	.30	.20		.035	
Linemen:						
Bureau Co., Portion S. of Alba, Cambridge & Cornwall Twps. in Henry Co.	8.40	.25	1%		.25%	
Winnebago Co., Carroll Co; Stephenson Co; Ogle Co; Lee Co; Portion of Co., East of Derinda, Elizabeth, Guilford & Scales Mound Townships in JoDaviess Co; portion east of Clyde, Lydon, Mt. Pleasant & Prophetstown, Townships in Whiteside County	8.55	.25	1%		.25%	
Rock Island Co., Rem. of Henry, JoDaviess, Whiteside & Carroll Counties	7.86	.35	1%		.25%	

LABORERS: WINNEBAGO, LEE, OGLE, STEPHENSON, WHITESIDE, CARROLL, JODAVIESS COS.

ILLINOIS 6-LAB-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Common laborers, track layers, hand spikers, swampers on tractors, trucks dragline & cranes, deck hand dump man, guard rails, tending heaters, tree trimming, mesh, continous steel, chip spreader, powder man, wrecking & stripping & removing forms used for concrete construction flagman, watchman, waterboy, signal man, rod & chain	$6.10	.20	.20		.035	
CLASS II						
Curing, compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carptenters tenders, brick & cement mason tenders & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, auger man, cleaning, buffing & filing of pipe & tape coating	6.25	.20	.20		.035	
CLASS III						
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproofing walls & foundations, culverts & wing walls by brushes or orllers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slop wall steel, gunite workers, Laser beam, bottoming & Pointing sewer tile, jackhammer blasting, handling creosoted lumber, curb & gutter mach., pre-cast concrete	6.40	.20	.20		.035	
CLASS IV						
Burning Bar, Dynamite Man, Catch Basin	6.70	.20	.20		.035	
6 to 12 ft. below ground	6.25	.20	.20		.035	
12 to 18 ft. below ground	6.40	.20	.20		.035	
Over 18 ft. below ground	6.90	.20	.20		.035	
Work 25 to 35 ft. above ground	6.40	.20	.20		.035	
Work 35 to 50 ft. above ground	6.55	.20	.20		.035	
Work 50 to 75 ft. above ground	6.85	.20	.20		.035	
Work 75 ft. and over above ground	7.05	.20	.20		.035	

BUREAU COUNTY

ILLINOIS - 50 - Laborers A

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
UNSKILLED:						
Common laborer, carpenter tenders, tool cribmen, firemen or salamander tenders, flagmen, gravel box men, dumpmen and spotters, form handlers, material handlers, fencing laborers, cleaning lumber, pit men, material checkers, dispatchers, landscapers, unloading explosives, laying of sod, planting of trees, removal of trees, asphalt plant laborers, wrecking laborers, writer of scale tickets, fire shop laborers, fireproofing laborers, janitors, wrecking, dismantling buildings, wallmen and housemovers, driving of stakes, stringlines for all machinery	$6.67	.30	.20		.035	
SEMI-SKILLED:						
Handling of materials treated with oil, creosote, asphalt or any foreign material, track laborers, cement handlers, chloride handlers, the unloading and laborers with steel workers and re-bars, concrete workers, (wet), tunnel helpers in free air, batch dumpers, mason and plasterer tenders and material wheelers, kettle and tarmen, tank cleaners, plastic installers, scaffold workers, motorized buggies or motorized unit used for wet concrete or handling of building materials, laborers with de-watering systems, all sewer workers plus depth, rod and chainmen with technical engineers, rod and chainmen with land surveyors, rod and chainmen with surveyors, vibrator operators, mortar mixer operators, cement silica, clay, fly ash, lime and plasters, handlers (bulk or bag), cofferdam workers plus depth, on concrete paving, placing, cutting and trying or reinforcing, deck hand, dredge hand and shore laborers, bankmen on floating plant, asphalt workers with machine, asphalt raker, grade checker	6.87	.30	.20		.035	

ILLINOIS-50-LABORERS

SKILLED	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Dynamite man or blasters, caisson workers plus depth, gunnite nozzle men, lead man on sewer work, welders, cutters, burners, and torchmen, chain saw operators, jackhammer and drill operators, layout man, steel form setters-street and highway, air tamping hammerman, signal man on crane, concrete saw operators, screenman on asphalt pavers, laborers tending masons with hot materials are used, multiple concrete duct-leadman, luteman, curb asphalt machine operator, ready mix scalemen, portable or temporary plant, laborers handling masterplate or similar materials, laser beam operator, concrete burning machine operator, coring machine operator	$7.07	.30	.20		.035	
DEPTH & HEIGHT:						
1st 20 ft. - regular hourly rate 25 to 50 ft. - 50¢ P.H. over base rate 50 to 75 ft. - 75¢ P.H. over base rate 75 to 100 ft. - 1.00 P.H. over base rate 100 to 150 ft. - 1.25 P.H. over base rate 150 to 200 ft. - 1.50 P.H. over base rate 200 to 250 ft. - 1.75 P.H. over base rate from 250 ft. on regardless of height 2.00 P.H. over base rate						

CARROLL, JODAVIESS, STEPHENSON, WHITESIDE, WINNEBAGO, EAST & NORTH INCL. HWY. #26 FROM NORTH LINE OF BUREAU CO. TO THE TOWN OF BUREAU

POWER EQUIP. OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
CLASS I						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, auto-grade, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, travelling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, traveling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill-crane type, slip form paver, straddle buggies, tractor w/boom, tractaire-w/ attachments, trenching machine, underground boring & /or mining machine under 5 ft., wheel exacator widener (Apsco)	$9.60	.50	.50	.20	.05	
CLASS II						
Mechanic-welder, batch plant, bituminpus mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze						

POWER EQUIPMENT OPERATORS (CONTD):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self propelled compactor, spreader; chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats	9.05	.50	.50	.20	.05	
CLASS III						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger single drum, jeep diggers, pipe jacking machines, post hole diggers, power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form, motor driven	8.40	.50	.50	.20	.05	
CLASS IV						
Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)	7.40	.50	.50	.20	.05	
CLASS V						
Oilers	6.40	.50	.50	.20	.05	

ROCK ISLAND & THE WESTERN ½ OF HENRY CO. ILLINOIS-15-PEO-1-2-3 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.	$8.70	.40	.50		.08	
CLASS II						
Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge op., dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman trav-L-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit hydraulic cranes.	8.43	.40	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneaupull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, blastholer self-propelled rotary drill or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading sp spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine.	8.33	.40	.50		.08	
CLASS IV						
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexaplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, conveyor.	7.30	.40	.50		.08	
CLASS V						
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	6.28	.40	.50		.08	
CLASS VI						
Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine.	6.98	.40	.50		.08	

EASTERN ½ OF HENRY CO. & REMAINDER OF BUREAU CO.

III-20-PEO-2-3 I 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Power Equipment Operators:						
GROUP I						
Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum & tri batcher, motor patrols & power blades-Dumore, elevating sumilar types, mechanics, central concrete mixing plant oper. blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer	$7.775	.35	.35		.05	
GROUP II						
Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-screw type pumps & gysum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, end-loaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machine euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tuneluger, rockcrucher,						

III.-20-PEO-2-3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C.M.I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydro boom, starting engineer on pipeline, F.W.D. & similar types	$7.575	.35	.35		.05	
GROUP III						
Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving	$7.30	.35	.35		.05	
GROUP IV						
Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, pavef ditch machines, truck crane oiler, and truck type hoptoe oilers	$7.025	.35	.35		.05	
GROUP V						
Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers - 5 ton & under on earth and gravel, from graders, pump (1) or						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
(20, light plant (10 or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant	$6.915	.35	.35		.05	

TRUCK DRIVERS:
STEPHENSON & WINNEBAGO COS., JODAVIESS (W. OF RT. #28)& CARROLL CO.(S. OF RT. #72 & WEST OF RT. #78)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Air compressors & welding machines, Ambulances, Batch trucks, 2-34E batches or less, Batch trucks, 3-34E batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under helpers, Hoppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skip,en, Tramsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
GROUP II A fram truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel truck over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel truck 10 cubic yards & under, Slurry trucks 2 man operation, tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
GROUP III Dispatcher, Ready Mix Plant Hopper Operators	5.55	.25	.25			
GROUP IV Batch crets and/or adgetors under7 yds., Batch trucks, over 3-34E batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six(6) wheel trucks under 10 cubic yards	5.60	.15	.15			
GROUP V Batch crets & or adgetors 7 yds., or over, Cement tank truck 17 ton & over, Explosive and/or Fission Materail trucks, Low boy 6 axles & over, Mixer trucks 7 yds & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Sump over 16 yds., Slurry trucks 1 man operation.	5.80	.15	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equip,emt or similar equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

TRUCK DRIVERS:

LEE & OGLE CO., (EAST OF RT. #51)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
a. 2 or 3 axle trucks	$6.20	a12.00	a16.00			
b. 4 axle trucks	6.35	a12.00	a16.00			
c. 5 axle trucks	6.55	a12.00	a16.00			
d. 6 axle trucks	6.75	a12.00	a16.00			
CLASS II						
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	6.20	a12.00	a16.00			
CLASS III						
Car & truck washers	6.05	a12.00	a16.00			
CLASS IV						
Dispatcher	6.30	a12.00	a16.00			
CLASS V						
Dump crets & asgetors under 7 yards, mixer trucks under 7 yards	6.35	a12.00	a16.00			
CLASS VI						
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	6.55	a12.00	a16.00			
CLASS VII						
Master mechanic	6.75	a12.00	a16.00			
CLASS VIII						
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
a. Under 16 cubic yards	6.35	a12.00	a16.00			
b. Over 16 cubic yards	6.55	a12.00	a16.00			
CLASS IX						
Mechanic	6.40	a12.00	a16.00			
CLASS X						
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & dockmen, winch trucks 2 axles.	6.20	a12.00	a16.00			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS XI						
Ready-mix plant hopper operator	$6.35	a12.00	a16.00			
CLASS XII						
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	6.55	a12.00	a16.00			

FOOTNOTE:

a. Per week per employee

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: AQ-3088
Supersedes Decision No. AP-1014, dated June 1, 1973 in 38 FR 14563
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

ILL-HWY-DIST. #4

COUNTIES: Peoria, Tazewell, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Stark & Warren	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement Masons:						
Fulton, Peoria & Tazewell Counties	$7.85	.35	.30		.05	
Hancock and McDonough Counties	8.45					
Henderson and Mercer Counties	7.31	.40				
Knox and Warren Counties	7.60	.15	.25			
Stark County	7.00					
Ironworkers:						
Fulton County, Vicinity of Astoria, Marbleton & Summum	8.17	.45	.60		.05	
Knox County, N.E. of Hwy. #34	8.75	.40	.375		.07	
Peoria, Stark & Tazewell Cos., & the remainder of Fulton and Knox Cos.	8.05	.40	.475			
Hancock, Henderson, McDonough, Mercer & Warren Counties	7.25	.30	.30			
Laborers:						
Fulton County	6.65	.30	.25		.035	
Hancock, Henderson, Knox, McDonough, Stark & Warren Counties	6.325	.30	.20		.035	
Mercer County	6.25	.20	.20		.035	
Linemen:						
Mercer County, North Henderson & Suez Townships, Fulton, Hancock, Henderson, Knox, McDonough, Peoria, Stark and Tazewell Counties	8.40	.25	1%		.25%	
Remainder of Mercer County	7.86	.35	1%		.25%	

ILL-HH-CARP-DIST. #4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Henderson County, Warren County and the Western 2/3 of Hancock County:						
Carpenters	$6.10	.20	.35		.01	
Piledrivermen	6.60	.20	.35		.01	
McDonough County and the Eastern 1/3 of Hancock County:						
Carpenters	7.35	.25	.15		.02	
Piledrivermen	7.60	.25	.15		.02	
Knox County:						
Carpenters & Piledrivermen	8.27	.45	.15		.02	
Mercer County:						
Carpenters	7.53	.35	.35			
Piledrivermen	7.71	.35	.35			
Stark County, Peoria County excluding area South of Route #116 West of U. S. Route #24, and East Peoria in Tazewell County:						
Carpenters	8.01	.30	.40		.02	
Piledrivermen	8.31	.30	.40		.02	
Fulton County and Peoria County South of Route #116 and West of U. S. #24; and the Remainder of Tazewell County:						
Carpenters	7.87	.33	.25		.02	
Piledrivermen	8.12	.33	.25		.02	

PEORIA COUNTY & THE CITY OF EAST PEORIA (TAZEWELL COUNTY)

ILLINOIS-20-LABORERS K 1 Of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROADS, DRIVEWAYS & ALLEY CONSTRUCTION						
CLASS 1						
Bricklayer tender, carpenter tender, cement mason tender, flagman, concrete form dismantler, piledriver tender, surveyor helper, tool cribmen, water carrier, expansion joint assmeblers, all other excavating work & labor suring all concrete by concrete by hand method; drive stakes; string lines for all machinery; water proofing w/cold stuff	$6.95	.30	.35		.035	
CLASS 2						
Stripping concrete forms with composite crew of carpenters & laborers	7.075	.30	.35		.035	
CLASS 3						
All power operated tool, Asphalt Ketotelmen & carriers, cement men & sack shakers, chipping hammer men, Jackhammer & drill operator (open) Powder man helper, Power form tampers, Power concrete daw, Rig man, Signalling & spotting of rigs & equipment waterproofing w/hot druff	7.075	.30	.35		.035	
CLASS 4						
Power Wheelbarrow or buggies	7.125	.30	.35		.035	
CLASS 5						
Gunnite pump man, Puddlers, Vibrator man, wire fabric placer, sandblasting pump man, strike off, unloading handling & carrying of any creosoted material conrete burning bars	7.20	.30	.35		.035	
CLASS 6						
Asphalt raker, Bricksetters, Cutting torch, seeting line to level forms, form setters, gunnite nozzle man, sandblasting nozzle man, Powder man Rip rapping, cutting torchman (electric & acetylene)	7.325	.30	.35		.035	
CLASS 7						
Tunnel & Subways (Free Air):						
a. Top laborer	6.95	.30	.35		.035	
b. Bell men (top & bottom), all laborers in tunnel	7.075	.30	.35		.035	

Illinois-20-LAB 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tunnel & Subways (Free Air): Cont'd						
c. Drill & Powder men, Gunnite operator (tunnel), operator cement placement	$7.325	.30	.35		.035	
d. Muckers	7.325	.30	.35		.035	
e. Tunnel Miners	7.425	.30	.35		.035	
CLASS 8						
Caisson (Free Air):						
a. Caisson top man helper	6.95	.30	.35		.035	
b. Caisson top man	7.075	.30	.35		.035	
c. Caisson miners & muckers	7.425	.30	.35		.035	
CLASS 9						
Open Sewer or Trenches:						
a. Top man & all other excavating	6.95	.30	.35		.035	
b. Bottom man who does immediate grading, batter board man, laser beam equip.	7.075	.30	.35		.035	
c. Tile layer & Caulker	7.325	.30	.35		.035	
d. Cribbing, Jackman & Hydraulic Jacman in trench	7.425	.30	.35		.035	
CLASS 10						
Levee & Heavy Grading:						
a. All other labor	6.95	.30	.35		.035	
b. Spotters, Dump man, cut man	7.075	.30	.35		.035	
CLASS 11						
Pipe line:						
a. All other laborers, Rollers, Scalers and Spotters	6.95	.30	.35		.035	
b. Spacers	7.225	.30	.35		.035	
c. Signal men on rigs, rig men, kettlemen & carriers, men handling hotstuff, men who do immediate grading for laying of pipe or digging bell holes	7.075	.30	.35		.035	

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ILLINOIS-5-LABORERS-2-3 H 1 of 2

REMAINDER OF TAZEWELL COUNTY

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS I						
Common Laborers: Carpenter Tender, Tool Cribmen, Clearing & Oiling of Machinery & Tools, Fireman or Salemander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees Pile Driver Helper, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors, & Instrument Men Helpers, Janitors, Unloading & Carrying of Rebars, caisson top man helper, Mason tenders, Scaffold Workers, Laborers with De-Watering Systems, Plaster Tenders, and Tunnel Labor (Free Air)	$7.05	.30	.25		.035	
CLASS II						
Semi Skilled Laborers: Handling of Materials Treated with Oil, Creosote, Asphalt and/or Foreign Material Harmful to Skin or Clothing handled by any mode or method, track Laborers, Cement Handler, Signaling & Spotting of Rigs & Equipment, Cloride Handlers, Wet Concrete Workers, Tunnel Helpers in free air, Batch Dumpers, Kettle & Tar Man, Tank Cleaners Plastic Installers, Motorized Buggies or Motorized Units used for Wet Conctete or Building Materials Sewer W orkers (excluding Pipe Layer & helper), Vibrator Operators, Mortar Mixer Operators, Cement Silica Clau, Fly Ash, Lime and Plaster Handlers (bulk or bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank men on Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen, & Spotter where Grade is to be established, Paver Tools,						

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ILLINOIS-5-LABORERS-2-3 H 2 Of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Chain Saw Operators, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunite Pot Man, Batterboard Setter, Digging Bell Holes, Driving of Stakes and setting String Line for all Machinery	$7.25	.30	.25		.035	
CLASS III						
Skilled Laborers: Caisson or Tunnel Miners & Muckers, Gunnite Nozzle Men, Welders, cutter, Burners & torchmen, Tile or Pipe Layer & Helper, Steel Form Setters-Street and Highway, Concrete Saw Operator, screenman on Asphlat Pavers, Front End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or where Foreign Materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphlat Machine Operator, Ready Mix Scalemen, Permanent, Portable or Temporary Plant, Laborers, Handling Masterplate or similar Materials, Laser Beam Operator Concrete Burning Machine Operator, Coring Machine Operator, Underpinning & Shoring of Buildings, Dynamite Shooter, Cribbing & Jackman in Trench & Hydraulic Jackhman	7.45	.30	.25		.035	

MERCER COUNTY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.	$8.70	.40	.50		.08	
CLASS II						
Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge op., dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer. Qualified welder, tow or push boat concrete paver, seaman trav-L-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit hydraulic cranes.	8.43	.40	.50		.08	
CLASS III						
Athey, Barber-Green, euclid or haiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneaupull and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3 or 4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, blastholer self-propelled rotary drill or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading sp spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine.	8.33	.40	.50		.08	
CLASS IV						
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexaplane or similar machines, portable machine fireman, Hydro-hammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, conveyor.	7.30	.40	.50		.08	
CLASS V						
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	6.28	.40	.50		.08	
CLASS VI						
Air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine.	6.98	.40	.50		.08	

REMAINDER OF DIST. #4	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
GROUP I						
Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum & tri batcher, motor patrols & power blades-Dumore, elevating sumilar types, mechanics, central concrete mixing plant oper, blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer	$7.775	.35	.35		.05	
GROUP II						
Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-screw type pumps & gysum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, end-loaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machine euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tuneluger, rockcrucher,						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C.M.I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydro boom, starting engineer on pipeline, F.W.D. & similar types	$7.575	.35	.35		.05	
GROUP III						
Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving	$7.30	.35	.35		.05	
GROUP IV						
Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, pavef ditch machines, truck crane oiler, and truck type hoptoe oilers	$7.025	.35	.35		.05	
GROUP V						
Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers - 5 ton & under on earth and gravel, from graders, pump (1) or						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(20, light plant (10 or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant	$6.915	.35	.35		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

SUPERSEDEAS DECISION

AO-3089 P. 2

STATE: Illinois
DECISION NO.: AO-3089
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AP-1015, dated June 1, 1973, in 38 FR 14569
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HWY-DIST. #5 1 of

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	O
COUNTIES: Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion						
Carpenters & Piledrivermen:						
Champaign County, Piatt County (N.E. ½), and Douglas County north of U.S. Route 36, (Garber & Guthrie & areas south thereof) Ford County	$8.06	.30	.50		.08	
Macon County, Piatt County (S. W. ½), Moultrie County north of Route 133, and Shelby County, Moweaqua and north thereof	8.23	.325	.275		.02	
Vermillion County	7.94	.45	.25		.02	
DeWitt County	7.45	.35	.35		.02	
Clark, Coles, Cumberland Counties & Edgar Co., Moultrie and Shelby Cos.	7.60	.30	.30		.02	
Cement Masons:						
All of Champaign Co., north of Hwy. #36 including Tuscola, Garrett, Camarco & Newman in Douglas County; Monticello & north therof in Piatt County	7.725	.30			.025	
All of Macon Co.; Clinton & south thereof in DeWitt Co; south of Monticello in Piatt Co; N.E. corner of Moultrie Co.; including Lovington & Bethany in Shelby Co.	7.475	.325	.225			
Remainder of Douglas, Shelby, Moultrie, Clark, Coles, Cumberland, Edgar and Vermillion Counties	7.725					
DeWitt County, (North of Clinton)	7.175	.20				

ILL-HWY-DIST. #5 2 of

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Ironworkers:						
Champaign, Coles, Cumberland, Douglas Edgar, Moultrie, Piatt & Vermillion Cos., & the E. ½ of Shelby Co: & E. ½ of DeWitt Co., & East of Decatur in Macon County	$7.70	.40	.60		.04	
Western ½ of DeWitt Co., W. ½ of Shelby Co., & Decatur & West thereof in Macon County	8.17	.45	.60		.05	
Clark County	8.15	.25	.25			
Linemen:						
Champaign, DeWitt, Douglas, Macon, Piatt, Edgar & Shelby Counties, East oakland, Humboldt, Morgan, North Okaw & Seven Hickory Twps in Coles Coles Co. Remainder of Moultrie Co.	8.40	.25	1%		.25%	
Cumberland, Clark Cos., Whitley Twp in Moultrie Co. & Remainder of Coles Co.	8.41	.25	1%		.25%	
Vermilion County	8.28	.25	1%+.30		.25%	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Zone 1: Champaign County						
Zone 2: Coles & Cumberland Counties						
Zone 3: Douglas Co. & S. ½ of Piatt Co., & Eastern ½ of Moultrie County						
Zone 4: Clark and Edgar Counties						
Zone 5: Northern ½ of Piatt County						
Zone 6: Shelby County						
Zone 7: DeWitt County						
Zone 8: Western ½ of Moultrie County						
Zone 9: Macon County						
Zone 10: Vermilion County						
UNSKILLED LABORERS						
Zone 1	$6.80	.30	.30		.035	
Zone 2	6.85	.25	.30		.035	
Zone 3	6.85	.25	.30		.035	
Zone 4	6.85	.25	.30		.035	
Zone 5	6.80	.30	.30		.035	
Zone 6	6.80	.30	.30		.035	
Zone 7	6.80	.30	.30		.035	
Zone 8	6.85	.25	.30		.035	
Zone 9	6.85	.25	.30		.035	
Zone 10	6.80	.30	.30		.035	
SEMI-SKILLED						
Zone 1	6.95	.30	.30		.035	
Zone 2	7.00	.25	.30		.035	
Zone 3	7.00	.25	.30		.035	
Zone 4	7.00	.25	.30		.035	
Zone 5	6.95	.30	.30		.035	
Zone 6	6.95	.30	.30		.035	
Zone 7	6.95	.30	.30		.035	
Zone 8	7.00	.25	.30		.035	
Zone 9	7.00	.25	.30		.035	
Zone 10	6.95	.30	.30		.035	
SKILLED						
Zone 1	7.05	.30	.30		.035	
Zone 2	7.10	.25	.30		.035	
Zone 3	7.10	.25	.30		.035	
Zone 4	7.10	.25	.30		.035	
Zone 5	7.05	.30	.30		.035	
Zone 6	7.05	.30	.30		.035	
Zone 7	7.05	.30	.30		.035	
Zone 8	7.10	.25	.30		.035	
Zone 9	7.10	.25	.30		.035	
Zone 10	7.05	.30	.30		.035	
SEWER OR CONDUIT CONSTRUCTION: .25 more than Semi-Skilled Laborer						

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Class I Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, barber green loaders, bulldozers, cableways, cherry pickers, clam shells, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derricks, derrick boats, draglines, earth augeror boring machines, elevating graders engineers on dredges, gravel processing machines, high lifts or fork lifts, hoists w/two or more drums or two or more loadlines locomotives (all) mechanics, motor graders or auto patrols, operators or leverman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type end loaders, track type fork lifts or high lifts, track jacks & tampers, tractors, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.	$8.05	.30	.40		.05	
Class II Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch trucks, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete spreading machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/ 1 drum & 1 load line, mud jacks, post holedigger, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines, scissors hoist.	7.25	.30	.40		.05	

POWER EQUIPMENT OPERATORS (CONT'D) Class III	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air compressors*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,*, concrete mixers (except plant, paver or tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power form graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size or type) truck crane oiler & driver 1(man), water pumps*, welding machines (one 300 amp. or over*)*welding machines* *COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.	$6.85	.30	.40		.05	

REMAINDER OF DISTRICT #5

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CLASS I	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power cranes, draglines, derricks, shovels, gradalls, mechanics, tractor high-lift, tournadozer, concrete mixers with skep, tournamixer, twodrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt plant engineer, paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader	$8.10	.30	.50		.05	

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
CLASS II						
Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket	$7.97	.30	.50		.05	
CLASS III						
One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting material, engine tenders, fireman, wagon drill, flex plane, conveyor, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants, distributor operator on trucks, tampers, self-propelled power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, deck hand	6.03	.30	.50		.05	

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TRUCK DRIVERS: AREA 2	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois
DECISION NO.: AQ-3090
Supersedes Decision No. AP-1016 dated June 1, 1973 38 FR 14573
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

ILL-HWY.-DIST. #6

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters and Piledrivermen:						
Sangamon Co., Illiopolis and Vicinity only	$7.30	.325	.225		.005	
Mason County	7.98	.30	.45		.02	
Remainder of District 6	7.80	.35	.45		.02	
Cement Masons	7.40	.15	.15		.01	
Ironworkers:						
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, and Scott Counties, Kingston and Vicinity in Adams County and the Eastern ½ of Schuyler County	8.17	.45	.60		.05	
Remainder of Adams and Schuyler Cos.	7.25	.30	.30		--	
Linemen:						
Sangamon Co. (City of Springfield)	8.40	.25	1%		.25%	
Remainder of District #6	8.40	.25	1%		.25%	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Adams County:						
Unskilled	$5.96	.25	.30		.035	
Semi-Skilled	6.11	.25	.30		.035	
Skilled	6.21	.25	.30		.035	
Christian County:						
Unskilled	5.91	.30	.30		.035	
Semi-Skilled	6.06	.30	.30		.035	
Skilled	6.16	.30	.30		.035	
Logan County:						
Unskilled	5.91	.30	.30		.035	
Semi-Skilled	6.06	.30	.30		.035	
Skilled	6.16	.30	.30		.035	
Menard County: (Petersburgh & South)						
Unskilled	5.96	.25	.30		.035	
Semi-Skilled	6.11	.25	.30		.035	
Skilled	6.21	.25	.30		.035	
Menard County: (North of Petersburgh)						
Unskilled	5.91	.30	.30		.035	
Semi-Skilled	6.06	.30	.30		.035	
Skilled	6.16	.30	.30		.035	
Morgan County:						
Unskilled	5.96	.25	.30		.035	
Semi-Skilled	6.11	.25	.30		.035	
Skilled	6.21	.25	.30		.035	
Sangamon County:						
Unskilled	5.96	.25	.30		.035	
Semi-Skilled	6.11	.25	.30		.035	
Skilled	6.21	.25	.30		.035	
Brown, Cass, Mason, Pike, Scott & Schuyler Counties:						
Unskilled	5.96	.25	.30		.035	
Semi-Skilled	6.11	.25	.30		.035	
Skilled	6.21	.25	.30		.035	

MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
GROUP I						
Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum & tri batcher, motor patrols & power blades-Dumore, elevating sumilar types, mechanics, central concrete mixing plant oper. blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer	$7.775	.35	.35		.05	
GROUP II						
Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-screw type pumps & gysum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, end-loaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (industrial or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machine euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tuneluger, rockcrucher,						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, G.M.I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydro boom, starting engineer on pipeline, F.W.D. & similar types	$7.575	.35	.35		.05	
GROUP III						
Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving	$7.30	.35	.35		.05	
GROUP IV						
Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, pavef ditch machines, truck crane oiler, and truck type hoptoe oilers	$7.025	.35	.35		.05	
GROUP V						
Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers - 5 ton & under on earth and gravel, from graders, pump (1) or						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(20, light plant (10 or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant	$6.915	.35	.35		.05	

REMAINDER OF DIST. #6

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Class I Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, barber green loaders, bulldozers, cableways, cherry pickers, clam shells, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derricks, derrick boats, draglines, earth augaror boring machines, elevating graders engineers on dredges, gravel processing machines, high lifts or fork lifts, hoists w/two or more drums or two or more loadlines locomotives (all) mechanics, motor graders or auto patrols, operators or leverman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type end loaders, track type fork lifts or high lifts, track jacks & tampers, tractors, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.	$8.05	.30	.40		.05	
Class II Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch trucks, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete spreading machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/ 1 drum & 1 load line, mud jacks, post holedigger, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines, scissors hoist.	7.25	.30	.40		.05	

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Class III						
Air compressors*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,*, concrete mixers (except plant, paver or tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power form graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size or type) truck crane oiler & driver 1(man), water pumps*, welding machines (one 300 amp. or over*)*welding machines* *COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.	$6.85	.30	.40		.05	

MASON COUNTY

TRUCK DRIVERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. T	OTHER
GROUP I						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34-E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tireman, pick-up trucks, drivers on dumpsters, or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, & small pallet type fork-lift op.	$4.43	.20	a			
GROUP II						
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, koshring or similar dumpsters, track trucks, Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons tandems & semitrailor service trucks, 6-wheel pole-trailers, mixer trucks over 3 cu. yds. & including 6½ cu. yds., fork-lifts, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry- over 2 up to & including 4 - 34 -E batches, mechanics, drivers on oil distributors, 2 man operation	4.63	.20	a			
GROUP III						
Drivers on heavy equipment over 9 cu. yds. or more than 13½ tons up to and including 16 cu. yds. or 24 tons, such askoshring or similar dumpsters, track trucks, semitrailor water trucks, Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6½cu. yds., batch trucks - wet or dry - over 4 - 34-E batches, pole-trailers, 8-wheel combination or						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. T.	OTHER
over, lowboy	4.83	.20	a			
GROUP IV						
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as keehring or similar dumpsters, track trucks, Euclids, bug-bottom dumps, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation	5.03	.20	a			

FOOTNOTE:
a - Employer contributes $6.00 per week per employee.

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REMAINDER OF DIST. #6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: AQ-3091
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AP-1017, dated June 1, 1973, in 38 FR 14578
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HWY.-DIST. #7

COUNTIES: Marion, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawerence, Richland, Wabash, Wayne & White	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters & Piledrivermen: District #7	$7.10	.30	.30		.02	
Cement Masons: Southern portion of Jefferson Co., Northern ½ of Hamilton Co., & the Southeastern portion of Wayne County; Marion County, (Salem & Centralia)	7.55	.30				
Crawford, Clay, Edwards, Effingham, Fayette, Jasper, Lawerence, Richland, Wabash & White Cos., & the Remainder of Hamilton, Jefferson, Wayne and Marion Counties	7.85					
Ironworkers: Edwards, Hamilton, Wabash, Wayne & White Cos., Louisville as south thereof in Clay Co., E. of Mt. Vernon in Jefferson Co., & Lawerenceville & S. thereof in Lawerence Co., Richland Co. (Olney & South thereof)	8.15	.25	.25			
Crawford, Jasper & Richland (N. of Olney and Clay Co. of Louisville Dexter & E. thereof in Effingham Co. & North of Lawerenceville in Lawerence Co	8.60	.55	1.10			
Marion County; Brown & S. Thereof in Fayette Co., & Mt. Vernon & West thereof in Lawerence County	8.65	.45	.65			
Effingham Co; (W. of Dexter) & Avena & N. thereof in Fayette County	8.02	.30	.50		.05	
Laborers: District #7	5.75		.30		.035	
Linemen: Portion N. of Avena, Bear Grove, Sefton, & Sharon Twps. in Fayette County	8.40	.25	1%		.25%	
Remainder of Fayette Co. & District #7	8.41	.25	1%		.25%	

FAYETTE, JEFFERSON & MARION COS.

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Cr
GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05	

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POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP II						
Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III						
Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV						
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V						
Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI						
a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	

Hard rock mining - $.25 per hour premium pay above existing rates

HAMILTON & WHITE COS.

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 1						
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubbertired; Flexplane; Gradall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-dirreck; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to Pugmill; Pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader	$8.15	.30	.45		.035	
CLASS 2						
Roller, self-propelled, Power subgrader; Elevator operator	7.80	.30	.45		.035	
CLASS 3						
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	7.55	.30	.45		.035	
CLASS 4						
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	7.25	.30	.45		.035	
CLASS 5						
Oiler; All wheel type tractors, Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	6.85	.30	.45		.035	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
CLASS 6						
Air Compressor w/value driving piling Air Compressors, 2(220 cu. ft. cap. or over); Air track drills, Air track drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float Power operator; Concrete saws, (Two); Hudr-lift (single motor); Straw mulcher blower w/spout	$7.80	.30	.45		.035	
CLASS 7						
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled	7.55	.30	.45		.035	
CLASS 8						
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	7.05	.30	.45		.035	
CLASS 9						
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (two); Pumps (Two); or Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or Pump; Pipeline track jack	7.00	.30	.45		.035	
CLASS 10						
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (one); Conveyor Op. on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) Pump (one); Welding machine (one) Ulmac or Equal Spreader	6.75	.30	.45		.035	

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS						
CLASS 11						
Crane, shovel, dragline 4 yds. or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$8.25	.30	.45		.035	
CLASS 12						
Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	7.25	.30	.45		.035	

REMAINDER OF DISTRICT #7

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS I						
Power cranes, draglines, derricks, shovels, gradalls, mechanics, tractor high-lift, tournadozer, concrete mixers with skep, tournamixer, twodrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt plant engineer, paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader	$8.10	.30	.50		.05	

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS II						
Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket	$7.97	.30	.50		.05	
CLASS III						
One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting material, engine tenders, fireman, wagon drill, flex plane, conveyor, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants, distributor operator on trucks, tampers, self-propelled power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, deck hand	6.03	.30	.50		.05	

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

SUPERSEDEAS DECISION

AQ-3092 P. 2

Illinois-24-LAB-2 F 1 of 2

STATE: Illinois
DECISION NO: AQ-3092
Supersedes Decision No. AP-1018, dated June 1, 1973, in 38 FR 14583
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

COUNTIES: St. Clair, Madison, Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery & Washington

ILL-HWY-DIST. #8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othr
Carpenters & Piledrivermen:						
Bond, Calhoun, Green, Jersey, and Madison Counties	$8.785	.45	.30			
Clinton, Monroe, St. Clair and Washington Counties	8.735	.40	.50			
Macoupin and Montgomery Counties	8.00	.35	.25			
Cement Masons:						
All of Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton Co., East to but not including Carlyle; the southern part of Bond Co., north to & incl. Smithboro; Madison Co., except for the southwestern tip of Greene Co.	9.475					
Greene, Macoupin & Montgomery Cos.: The Eastern ½ of Clinton Co., incl. Carlyle; the Northern part of Bond County, but not including Smithboro and the Northeastern section of Madison County	8.825	.40	.25			
Ironworkers:						
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair and Washington Cos., Summerville and South thereof in Macoupin Co., and Litchfield, Hillsboro and South thereof in Montgomery Co.	8.65	.45	.65			
Greene County, Macoupin County North of Summerville and Montgomery Co., North of Litchfield and Hillsboro	8.17	.45	.60		.05	
Linemen:						
Greene, Calhoun, Jersey & Madison (Alton & Wood River)	8.44	.25	1%		.2%	
Remainder of District #8	8.84	4%	1%		.25	

LABORERS HEAVY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Clinton Co.; Trenton & vic.; Jersey Co.; Macoupin Co.; Carlinsville, Girard & Palmyra & Vic.						
Common laborers	$7.50		.20		.035	
All brick & plaster masons tenders	8.00		.20		.035	
Workmen cutting & burning w/s torch	7.75		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including nox culverts, tin whistles or multiplate culverts)	7.75		.20		.035	
Dynamite men	9.10		.20		.035	
Macoupin Co.; Gillespie, Mt. Olive, Shipman & Staunton & vicinitiesl Madison Co.; Highland, Livingston, St. Jacobs & vicinities; Randolph Co.; St; Clair Co; Lenzberg & vic. & Washington Co:						
Common laborers	7.50		.20		.035	
All brick & plaster masons tenders	8.00		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	
Men working on the bottom of sewer trenched on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tiel, but not including boc culverts, tin whistles or multiplate culverts).	7.75		.20		.035	
Dynamite men	9.10		.20		.035	
Madison; Marine; Bond; Calhoun; Clinton (New Baden & vic)						
Common laborers	7.50		.20		.035	
All brick & plaster masons tenders	8.00		.20		.035	
Workmen cutting & burning w/a torch	7.75		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectiona sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts	7.75		.20		.035	
Dynamite men	9.10		.20		.035	

LABORERS HEAVY CONSTRUCTION (CONTD)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Greene County						
Common laborers	$7.40		.30		.035	
All brick & plaster masons tenders	7.90		.30		.035	
Work cutting & burning w/s torch	7.65		.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional snaitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts.)	7.65		.30		.035	
Dynamite men	9.00		.30		.035	

HIGHWAY CONSTRUCTION: ZONE I	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Area 1: Madison County; Alton						
Laborers	$7.35	.20	.30		.035	
Asphalt Raker, Applying, Cooking & Heating of all Mastics; Weighman on Asphalt Platform	7.45	.20	.30		.035	
Tending to Brick Masons	7.85	.20	.30		.035	
Dynamite Men	8.875	.20	.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts tin whistles or multiplate culverts	7.60	.20	.30		.035	
Area 2: St. Clair County: Belleville, O'Fallon Madison County: Collinsville & Glen Carbon						
Laborers	7.65		.20		.035	
Asphalt Raker, Applying, Cooking & Heating of all mastics; Weighman on a Asphalt Platform	7.85		.20		.035	
Tending to Brick Masons	8.25		.20		.035	
Dynamite Men	9.275		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including box culverts, tin whistles or multiplate culverts	8.00		.20		.035	
Area 3: St. Clair County: E. St. Louis Madison County: Granite City						
Laborers	7.25	.25	.35		.035	
Asphalt Raker, Applying, Cooking & Heating of all Mastics; Weighman on Asphalt Platform	7.35	.25	.35		.035	
Tending to Brick Masons	7.75	.25	.35		.035	
Dynamite Men	8.775	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.50	.25	.35		.035	

HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Area 4: Madison County: Edwardsville						
Laborers	$7.85				.035	
Asphalt Raker, Applying, Cooking & Heating of all Mastics; Weighman on Asphalt Platform	7.95				.035	
Tending to Brick Masons	8.35				.035	
Dynamite Men	9.375				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary of storm sewer pipe(including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	8.10				.035	
Area 5: Madison County: Wood River						
Laborers	7.35	.20	.30		.035	
Asphalt Raker, Applying, Cooking & Heating of all Mastics; Weighman on Asphalt Platform	7.45	.20	.30		.035	
Tending to Brick Masons	7.85	.20	.30		.035	
Dynamite Men	8.875	.20	.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe(including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.60	.20	.30		.035	
ZONE II						
Area 1: Washington County: Ashley, Nashville, Okawville						
Macoupin County: Gillespie, Mt. Olive, Shipman & Staunton						
St. Clair: Freeburg, Lenzburg, Marissa, Mascoutah & New Athens						
Madison County: Highland, Livingston, Maring, St. Jacob & Troy						
Clinton County: Carlyle & New Baden						
Randolph County: Chester & Sparta						
Bond County: Greenville, Pocahontas, Sorento						
Calhoun County: Hardin						
Montgomery County: Hillsboro & Litchfield						
Greene County: Roodhouse						
Laborers	7.15		.20		.035	
Asphalt raker, Applying, Cooking & Heating of all Mastics	7.75		.20		.035	
Weighman on Asphalt Platform	7.725		.20		.035	

HIGHWAY CONSTRUCTION: ZONE I	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Area 1: Madison County: Alton						
Laborers	$7.35	.20	.30		.035	
Asphalt Raker, Applying, Cooking & Heating of all Mastics; Weighman on Asphalt Platform	7.45	.20	.30		.035	
Tending to Brick Masons	7.85	.20	.30		.035	
Dynamite Men	8.875	.20	.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts tin whistles or multiplate culverts	7.60	.20	.30		.035	
Area 2: St. Clair County: Belleville, O'Fallon Madison County: Collinsville & Glen Carbon						
Laborers	7.65		.20		.035	
Asphalt Raker, Applying, Cooking & Heating of all mastics; Weighman on a Asphalt Platform	7.85		.20		.035	
Tending to Brick Masons	8.25		.20		.035	
Dynamite Men	9.275		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including box culverts, tin whistles or multiplate culverts	8.00		.20		.035	
Area 3: St. Clair County: E. St. Louis Madison County: Granite City						
Laborers	7.25	.25	.35		.035	
Asphalt Raker, Applying, Cooking & Heating of all Mastics; Weighman on Asphalt Platform	7.35	.25	.35		.035	
Tending to Brick Masons	7.75	.25	.35		.035	
Dynamite Men	8.775	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.50	.25	.35		.035	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
GROUP I						
Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required)Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP II						
Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III						
Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV						
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V						
Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI						
a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	

Hard rock mining - $.25 per hour premium pay above existing rates

ILLINOIS-2-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

STATE: Illinois COUNTIES: See Below
DECISION NO: AQ-3093 DATE: Date of Publication
Supersedes Decision No. AP-1019, dated June 1, 1973, in 38 FR 14589
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HWY-DIST. #9

COUNTIES: Alexander, Franklin, Perry, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Randolph, Saline, Union & Williamson	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters & Piledrivermen:						
Randolph County	$8.735	.40	.50			
Remainder of District #9	6.63	.25	.25		.02	
Cement Masons:						
District #9	7.35	.15			..	
Ironworkers:						
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, Williamson, Saline (S.W. of Eldorado)	7.25	.45	.50		.02	
Saline County, Eldorado & N.E. thereof	8.15	.25	.25			
Perry and Randolph Counties	8.65	.45	.65			
Laborers:						
Alexander, Franklin, Perry, Gallatin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, Williamson	6.10		.30		.035	
Randolph (Heavy)	7.50		.20		.035	
Randolph (Highway)	7.65		.20		.035	
Linemen:						
Red Bud Township in Randolph County	8.84	4%	1%		.25%	
Remainder of Randolph Co & Dist. #9	8.41	.25	1%		.25%	

PERRY & RANDOLPH COS.

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2-drum or more (where oiler or firemen is required), hoists-2-drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs. (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozer, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine, longitudinal floats, boat oprs., (under 25', conveyors (1), distributor oprs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	$8.33	.37	.85	.20	.05	

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
GROUP II						
Air Compressors (1), water pumps regardless of size (1) welding machines (1)	$7.50	.37	.85	.20	.05	
GROUP III						
Firemen and asphalt spreader oilers	6.85	.37	.85	.20	.05	
GROUP IV						
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.	6.75	.37	.85	.20	.05	
GROUP V						
Oiler or apprentice	6.50	.37	.85	.20	.05	
GROUP VI						
a. Engineers operating under air pressure	10.48	.37	.85	.20	.05	
b. Engineers operating in air over 10 lbs. pressure	10.78	.37	.85	.20	.05	
c. Apprentices operating under air pressure	8.60	.37	.85	.20	.05	
d. Apprentices operating in air over 10 lbs pressure	9.10	.37	.85	.20	.05	
Hard rock mining - $.25 per hour premium pay above existing rates						

REMAINDER OF DIST. #9

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 1						
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubbertired; Flexplane; Gradall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-dirreck; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to Pugmill; Pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader	$8.15	.30	.45		.035
CLASS 2						
Roller, self-propelled, Power subgrader; Elevator operator	7.80	.30	.45		.035	
CLASS 3						
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	7.55	.30	.45		.035	
CLASS 4						
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	7.25	.30	.45		.035	
CLASS 5						
Oiler; All wheel type tractors, Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	6.85	.30	.45		.035	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 6						
Air Compressor w/value driving piling Air Compressors, 2(220 cu. ft. cap. or over); Air track drills, Air track drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float Power operator; Concrete saws, (Two); Hudr-lift (single motor); Straw mulcher blower w/spout	$7.80	.30	.45		.035	
CLASS 7						
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, (Motor driven); Hoiat, 1 drum; Truck crane oiler; Vibrator, self-propelled	7.55	.30	.45		.035	
CLASS 8						
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	7.05	.30	.45		.035	
CLASS 9						
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (two); Pumps (Two); or Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or Pump; Pipeline track jack	7.00	.30	.45		.035	
CLASS 10						
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (one); Conveyor Op. on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) Pump (one); Welding machine (one) Ulmac or Equal Spreader	6.75	.30	.45		.035	

POWER EQUIPMENT OPERATORS (Cont'd) RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 11						
Crane, shovel, dragline 4 yds. or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$8.25	.30	.45		.035	
CLASS 12						
Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	7.25	.30	.45		.035	

ILLINOIS-2-TD-1-2-3

RANDOLPH CO.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS AREA 1						
GROUP I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00			
GROUP II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00			
GROUP III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

ILLINOIS-4/5-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
TRUCK DRIVERS: AREA 2						
CLASSIFICATION I						
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site	$6.90	.40	a12.00			
CLASSIFICATION II						
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes	7.30	.40	a12.00			
CLASSIFICATION III						
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman	7.50	.40	a12.00			

FOOTNOTE:

a.-Employer contributes $12.00 per week per employee.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (Excluding the Nevada Test Site and Tonopah Test Range)

DECISION NUMBER: AQ-1080

DATE: Date of Publication

Supersedes Decision Nos. AP-264 dated March 9, 1973, in 38 FR 6584; AP-266 dated March 9, 1973, in 38 FR 8395 and AQ-1036 dated September 14, 1973, in 38 FR 2588.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS (Elko, Eureka and White Pine Counties)	$7.46	.50	.72		
ASBESTOS WORKERS (Clark, Esmeralda, Lincoln and Nye Counties)	9.99	.71	.65		.01
ASBESTOS WORKERS (Remaining Cos.)	8.75	.90	.65	1.07	.06
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons (Clark, Esmeralda and Lincoln Counties; and Nye County South of Hwy #6)	8.17	.20		1.00	.01
BRICKLAYERS; Stonemasons (Nye County North of Hwy #6 and all Remaining Counties):					
Zone A (0-15 miles from Court House in Reno)	8.95	.40			.01
Zone B (15-35 miles from Court House in Reno)	9.30	.40			.01
Zone C (35-75 miles from Court House in Reno)	9.70	.40			.01
BRICK TENDERS:					
Zone A (0-15 miles from Court House in Reno)	6.80	.45	.45		
Zone B (15-35 miles from Court House in Reno)	7.11	.45	.45		
Zone C (35-75 miles from Court House in Reno)	7.46	.45	.45		
CARPENTERS (Clark, Esmeralda and Lincoln Counties; and Nye County South of Hwy #6 including the town of Tonopah):					
Carpenters	7.16	.45	.60	.80	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Op.	7.31	.45	.60	.80	.10
Piledrivermen	7.36	.45	.60	.80	.10
Millwrights	7.46	.45	.60	.80	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS (Nye County (North of Hwy #6 excluding the town of Tonopah) and all Remaining Cos.:					
Carpenters	$6.90	.50	.70	.90	.03
Floorlayers; Patent Scaffold Erectors; Power Saw Ops.; Shinglers	7.05	.50	.70	.90	.03
Piledrivermen	7.10	.50	.70	.90	.03
Millwrights	7.20	.50	.70	.90	.03
CEMENT MASONS (Clark, Esmeralda, Lincoln and Nye Counties):					
Cement Masons	6.90	.50		1.60	.08
Floor Finishing Machine and Color Work	7.15	.50		1.60	.08
CEMENT MASONS (Remaining Counties except Lake Tahoe Area):					
Cement Masons	7.20	.50	.40	1.00	.01
Mastic, Magnesite and all Composition Masons; Troweling Machine	7.45	.50	.40	1.00	.01
(Lake Tahoe Area)					
Cement Masons	8.40	.50	.40	1.00	.01
Mastic, Magnesite and all Composition Masons; Troweling Machine	8.65	.50	.40	1.00	.01
DRYWALL INSTALLERS (Statewide except the Counties of Clark, Esmeralda, Lincoln and Nye County South of Hwy #6)	7.15	.50	.70	.90	.03
ELECTRICIANS (Clark and Lincoln Counties and Nye County South of Mt. Diablo Base Line):					
Electricians; Technicians	10.23	.43	1%		.05
Cable Splicers	10.56	.43	1%		.05
ELECTRICIANS (Remaining portions of Nye County and all the Remaining Counties except Lake Tahoe Area):					
Electricians; Technicians	9.09	.53	1%+.25		.03
Cable Splicers	10.00	.53	1%+.25		.03
(Lake Tahoe Area)					
Electricians; Technicians	9.84	.53	1%+.25		.03
Cable Splicers	10.82	.53	1%+.25		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS	$9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS (Clark, Esmeralda, Lincoln, and the Southern Half of Nye County)	9.35				.01
GLAZIERS (Northern Half of Nye County and all the Remaining Counties)	7.77	.25	.55	8%	
IRONWORKERS (Elko, Eureka (N.E. portion including Cities of Palisade, Beawawe and Eureka), Humboldt (N.E. portion including Town of McDermit to South-Southeast border of Humboldt County), Lander (N.E. portion including City of Battle Mountain, Lincoln (Northeast portion South of 37th parallel, Nye (Northeast portion) and White Pine Counties): Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	7.53	.50	.65		.05
Remainder of State:					
Fence Erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
LATHERS (Statewide except Clark, Esmeralda, Lincoln and Nye Cos.)	7.71	.40	.10	1.00	.01
PAINTERS (Clark, Esmeralda, Lincoln and Nye (South of Manhattan):					
Brush; Roller	8.23	.32	.25		.02
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	8.48	.32	.25		.02
Buffing Steel and Structural Steel	8.73	.32	.25		.02
Steeplejack	9.48	.32	.25		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (Nye County (Remaining portions) and all the Remaining Counties except Lake Tahoe Area):					
Brush	$7.70	.30	.20	.40	
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	7.95	.30	.20	.40	
Lake Tahoe Area:					
Brush	8.10	.30	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	8.35	.30	.20		
PLASTERERS (Clark, Lincoln and Nye Counties)	8.08	.50		.90	.05
PLASTERERS (Remaining Counties)	7.85	.50	.60		
PLASTERER TENDERS					
Statewide except Clark, Esmeralda, Lincoln and S½ of Nye Counties	7.30	.45	.45		
PLUMBERS:					
Plumbers; Steamfitters Clark, Lincoln and Nye (South of Hwy #6) Counties	8.40	.45	.90	1.60	.06
Plumbers; Steamfitters Nye County (North of Hwy #6) and Remaining Counties	7.85	.53	.60	1.95	.07
Plumbers (Utility):					
Statewide except Clark, Lincoln and Nye (South of Hwy #6) Cos.	7.85	.53	.60	1.95	.07
Plumbers Helper (Utility)	4.64	.53	.10	.50	.07
ROOFERS:					
Clark, Esmeralda, Lincoln and Nye County (South of Hwy #6)	9.13	.30			
ROOFERS:					
Nye County (North of Hwy #6) and all the Remaining Counties	8.10	.25	.05		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln and Nye County (South of Hwy #6)	9.50	.58	1.15		.03
SHEET METAL WORKERS					
Nye County (North of Hwy #6) and all the Remaining Counties	8.38	.69	1.35	10%	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, and Nye (South of Hwy #6)	$8.82	.40			.01
SOFT FLOOR LAYERS:					
Nye County (North of Hwy #6) and all the Remaining Counties	8.35	.30	.20		
SPRINKLER FITTERS	11.30	.40	.60		.07
TERRAZZO WORKER; TILE SETTERS					
Clark, Esmeralda, Lincoln and Nye (South of Hwy #6)	8.17	.20		1.00	.01
TERRAZZO WORKERS; TILE SETTERS					
Nye County (North of Hwy #6) and all the Remaining Counties:					
Zone A (0-15 miles from Court House in Reno)	8.95	.40			.01
Zone B (15-35 miles from Court House in Reno)	9.30	.40			.01
Zone C (35-75 miles from Court House in Reno)	9.70	.40			.01

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Clark, Esmeralda, Lincoln and Nye Counties						
GROUP I						
LABORERS-general or Construction; Demolition (cleaning of brick, lumber, etc.; Dry packing of concrete, and filling of form-bolt holes; Gas and oil pipeline; Laborer-Temporary water lines (portable type); Window cleaner	$5.60	.26	.60	1.00		
GROUP II						
Cutting Torch Op. (Demolition); Tarman & Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, & similar type materials	5.65	.26	.60	1.00		
GROUP III						
Guinea Chaser	5.68	.26	.60	1.00		
GROUP IV						
Fine Grader, highway & street paving, airport, runways & similar type heavy construction; Landscape gardener & nursery-man	5.70	.26	.60	1.00		
GROUP V						
Laborers-packing rod steel & pans	5.72	.26	.60	1.00		
GROUP VI						
Underground laborer including Caisson Bellowers	5.73	.26	.60	1.00		
GROUP VII						
Chucktender (except tunnels); Scaler; Tank scaler & cleaner	5.75	.26	.60	1.00		
GROUP VIII						
Cesspool Digger & Installer	5.78	.26	.60	1.00		
GROUP IX						
Concrete Curer-impervious membrane & oiler of all materials; Riprap stone-paver; Sandblaster (Pot Tender); Making & Caulking of all non-metallic pipe joints	5.79	.26	.60	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (cont'd)						
GROUP X						
Operators & tenders of pneumatic & electric tools, vibrating machines, hand propelled trenching machines, impact wrench multi-plate & similar mechanical tools not separately classified herein; Asphalt Raker, ironer, spreader, Luteman; Buggy-mobile man; Cement dumper (on one yard or larger mixers & handling bulk cement); Concrete saw man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas & oil pipeline wrapper-pot tender & form man; Operator of cement grinding machine; Roto-scraper; Tree climber, Faller, Chain saw opr., Pittsburgh Chipper & similar type brush shredders	$5.81	.26	.60	1.00	..	
GROUP XI						
Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)	5.86	.26	.60	1.00		
GROUP XII						
Driller and/or pavement breaker	5.89	.26	.60	1.00		
GROUP XIII						
Oversize concrete vibrator op., 70 lbs. & over; Laying of all non-metallic pipe, including sewer pipe, drain pipe & underground tile	5.91	.26	.60	1.00		
GROUP XIV						
Gas & oil pipeline wrapper - 6 inch pipe & over	5.94	.26	.60	1.00		
GROUP XV						
Cribber or Shorer, lagging, sheeting, trench bracing, hand guided lagging hammer; Powderman-Blaster-all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading & placing	5.96	.26	.60	1.00		
GROUP XVI						
Steel Headboardman	6.025	.26	.60	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (cont'd)						
GROUP XVII						
Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills	6.05	.26	.60	1.00		
GROUP XVIII						
Head Rock Slinger	6.12	.26	.60	1.00		

LABORERS:(Remaining Counties)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under ½ yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, handguided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls; Windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic workers (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools(air, gas or electric) not listed in Group V; Pipejacking; Posthole digger (air, gas, or electric) Post driver; Rirrap-stonepaver and rock slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	$6.05	.40	.30		..	
GROUP II						
Choker setter or rigger (clearing work only) Pittsburg chipper and similar type brush shredders; concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad trackmen (maintenance, repair or builders); Sloper; Semi-skilled wreckers (salvaging of building materials other than those listed in Group I)	5.90	.40	.30			

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III						
All cleanup work of debris, grounds, and building including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardners and landscape laborers; Limber, brushloader and piler	$5.80	.40	.30			
GROUP IV						
Burning and welding in connection with laborers work	6.15	.40	.30			
GROUP V						
Joy drill model TWM-2A, Gardner denver model DN143 and similar type drills; Core drillers, wagon drillers: Mechanical drillers on multiple units; Blaster and powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer; Caulker and bander; Pipelayer-waterline, sewerline, gasline, conduit; Asphalt rakers	6.30	.40	.30		..	
GROUP VI						
Nozzleman, Rodman	6.60	.40	.30			
Gunman, Materialman	6.30	.40	.30			
Reboundman	5.95	.40	.30			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TUNNEL LABORERS (Statewide except Clark, Esmeralda, Lincoln and S½ of Nye County)						
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding & spreading; Grout Crew incl. Headerman & Potman; Reboundmen	$7.20	.45	.40		.05	
NIPPER; Chuck Tenders & Cable Tenders; Powderman-Primer House; Steel Form Raisers & Setters; Vibratormen, Pavement Breakers	7.30	.45	.40		.05	
GROUT GUNMEN; Jetgunmen; Gunmen	7.45	.45	.40		.05	
MINERS-TUNNEL, incl. Top & Bottom man on Shaft & Raise Work; Timbermen, Retimberman-Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where car is lifted; Nozzleman on slick line; Sand Blaster-Potman (work assignment interchangeable)	7.50	.45	.40		.05	..
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	7.80	.45	.40		.05	
SHIFTERS	8.10	.45	.40		.05	
SHAFT WORK & Raise-Shifters	8.40	.45	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Clark, Esmeralda, Lincoln and Nye (South of HWY #6) Counties						
GROUP I						
Drivers of Dump Trucks (less than 12 yds. water level); Drivers of Trucks (legal payload capacity less 15 tons); Water & Fuel Truck Drivers under 2500 gals.; Pickup Drivers; Service Truck Driver--Teamster Equipment (highest rate paid for dual craft operation) Truck Repairman Helper; Drivers or Busses on Job Site used for transportation of up to 25 passengers	$7.20	.25	.30			
GROUP II						
Drivers of Dump Trucks 12 yds. but less than 16 yds. water level; Drivers of Trucks--legal payload capacity between 15 & 20 tons; Gas & Oil Pipeline Working Truck Driver, including winch truck & all sizes of trucks; water & Fuel Truck Drivers 2500 gals. to 4000 gals.; Truck Greaser & Tireman; Drivers of Busses (on job site used for transportation or more than 25 passengers); Road Oil Spreading by Truck Drivers; Time spent Spreading Oil	7.31	.25	.30			..
GROUP III						
Drivers of Transit-mix Trucks, under 3 yds. Dumpcrete Truck, less than 6½ yds. water level	7.36	.25	.30			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (CONT'D)						
GROUP IV						
Drivers of Dump Trucks, 16 yds. up to & including 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons but less than 30 tons; Drivers of Euclid-type Spreader Trucks; Drivers of Dumpster Trucks; Drivers of Transit-mix Trucks, 3 yds., but less than 6 yds.; Dumpcrete Truck, 6½ yds. water level & over; Fork Lift Driver; Ross Carrier Driver--Highway Water & Fuel Truck Drivers 4000 but less than 6000 gals.	7.52	.25	.30			
GROUP V						
Drivers of Transit-mix Trucks, 6 yds. or more; Truck Repairman; Drivers of Dump Trucks, over 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons & over; Drivers of Fuel & Water Trucks, 6000 gals, & over	7.70	.25	.30			
GROUP VI						
D.W. & similar type equipment; D.W. 10 & D.W. 20 Euclid-type equipment LeTorneau Pulls, Terra Cobras & similar types of equipment, also PB & similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem	8.20	.25	.30			

TRUCK DRIVERS

Douglas, Ormsby, Storey Counties & those areas within 25 mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Ormsby Co., Lovelock in Pershing Co., and Reno in Washoe Co.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All Dump Trucks (single multiple or dump units incl. Semi's & double & transfer units):						
Under 4 yds. (water level)	5.40	.41	.25	.25		
4 yds. & under 8 yds. (water level)	5.60	.41	.25	.25		
8 yds. & under 18 yds. (water level)	5.80	.41	.25	.25		
18 yds. & under 35 yds. (water level)	5.95	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.20	.41	.25	.25		
60 yds. & over	6.35	.41	.25	.25		
Transit Mix:						
Under 8 yds.	5.80	.41	.25	.25		
8 yds. & incl. 12 yds.	5.90	.41	.25	.25		
Over 12 yds.	6.10	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	5.60	.41	.25	.25		
2,500 gals. & over	5.70	.41	.25	.25		
Semi Trailers	5.80	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and fuel &/or Grease Tank Trailers, or other misc. Trailers	5.95	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	5.70	.41	.25	.25		
Bootman, Combination Bootman and Road Oiler	5.85	.41	.25	.25		
Road Oil Truck or Bootman	5.55	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	5.45	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	5.55	.41	.25	.25		

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TRUCK DRIVERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers (Cont'd) Bus and Manhaul Drivers:						
Up to 18,000 lbs. (single unit)	5.45	.41	.25	.25		
18,000 lbs & over (single unit)	5.55	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	6.35	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	5.65	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	5.55	.41	.25	.25		
18,000 lbs. & over	5.65	.41	.25	.25		
Warehousemen Spotters Teamsters	5.35	.41	.25	.25		
Tire Repairman	5.65	.41	.25	.25	..	
Truck Repairman	6.10	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	5.45	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	5.55	.41	.25	.25		

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REMAINING PORTIONS OF NEVADA	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):						
Under 4 yds. (water level)	$ 6.15	.41	.25	.25		
4 yds. & under 8 yds. (water level)	6.35	.41	.25	.25		
8 yds. & under 18 yds. (water level)	6.55	.41	.25	.25		
18 yds. & under 35 yds. (water level)	6.70	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.95	.41	.25	.25		
60 yds. & over	7.10	.41	.25	.25		
Transit Mix:						
Under 8 yds.	6.55	.41	.25	.25		
8 yds. & incl. 12 yds.	6.65	.41	.25	.25		
Over 12 yds.	6.85	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.					..	
Water Trucks:						
Up to 2,500 gals.	6.35	.41	.25	.25		
2,500 gals. & over	6.45	.41	.25	.25		
Semi Trailers	6.55	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers	6.70	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	6.45	.41	.25	.25		
Bootman, combination Bootman and Road Oiler	6.60	.41	.25	.25		
Road Oil Truck or Bootman	6.30	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	6.20	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	6.30	.41	.25	.25		

TRUCK DRIVERS (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Bus and Manhaul Drivers:						
Up to 18,000 lbs (single unit)	6.20	.41	.25	.25		
18,000 lbs & over (single unit)	6.30	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	7.10	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	6.40	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	6.30	.41	.25	.25		
18,000 lbs. & over	6.40	.41	.25	.25		
Warehousemen Spotters Teamsters	6.10	.41	.25	.25		
Tire Repairman	6.40	.41	.25	.25		
Truck Repairman	6.85	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	6.20	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	6.30	.41	.25	.25		

Clark, Esmeralda, Lincoln and Nye Counties

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
BRAKEMAN; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman	$7.13	.75	1.50	.30	.02
GROUP II					
CONCRETE MIXER OPERATOR, SKIP TYPE; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler	7.37	.75	1.50	.30	.02
GROUP III					
A-FRAME OR WINCH TRUCK; Elevator Operator (inside); Equipment Greaser (rack); Ford, Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Powerdriven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine	7.61	.75	1.50	.30	.02

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP IV					
ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to & incl. 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting) Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)	$7.72	.75	1.50	.30	.02
GROUP V					
ASPHALT PLANT ENGINEER: Concrete Batch Plant; Backhoe (up to and incl. 3.4 yd.); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and incl. 25 yds. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and incl. 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. and up to and incl. 1½ yds.); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., Flywheel and similar types, up to and incl. D-5 and similar types)	7.91	.75	1.50	.30	.02

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP VI					
ASPHALT OR CONCRETE SPREADING (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BhL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in place); Combination Mixer and Compressor (Gunite Work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and incl. 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excl. Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle Wheel Type - John Deere,1040 and similar single unit); Skiploader (Crawler and Wheel type-over 1½ yds. up to and incl. 6½ yds.); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and incl. 25 yds. struck);					

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP VI (cont'd)					
Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel h. p. and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. M.R.C.)	$8.01	.75	1.50	.30	.02
GROUP VII					
CRANE (Over 25 tons up to and incl. 100 tons M.R.C.; Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and incl. 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yds. struck); Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (Over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and Wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. MRC; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination	8.11	.75	1.50	.30	.02

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP VIII					
AUTO GRADER; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing w/o Push Cat, Push-Pull (50¢ per hour additional)	$8.25	.75	1.50	.30	.02
GROUP IX					
CANAL LINER; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)	8.35	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS:		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Ot
GROUP I (Remaining Counties)							
ASSISTANT TO ENGINEER, Including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), switchman, tar pot fireman	AREA I	$6.64	.73	1.00	.65	.31	
	AREA II	7.64	.73	1.00	.65	.31	
GROUP II							
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material loader and/or conveyor (handling building materials); Oiler (truck crane); Pump; Tar pot fireman (power agitated)	AREA I	6.95	.73	1.00	.65	.31	
	AREA II	7.95	.73	1.00	.65	.31	
GROUP III							
BOX OPERATOR (Bunker); Concrete curing machines (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Rodman or chainman; Rotomist; Screedman (except asphaltic or concrete paving)	AREA I	7.11	.73	1.00	.65	.31	
	AREA II	8.11	.73	1.00	.65	.31	
GROUP IV							
BALLAST JACK TAMPER; Ballast regulator; Ballast tamper multi-purpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky (assistant to engineer required); Fork lift (construction job site); Ross carrier; Skip loader (under 1 cu. yd.); Tie spacer	AREA I	7.53	.73	1.00	.65	.31	
	AREA II	8.53	.73	1.00	.65	.31	

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POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Ot
GROUP V							
CONCRETE MIXER (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Gradesetter, grade checker; Screedman (Barber-greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	AREA I	$7.70	.73	1.00	.65	.31	
	AREA II	8.70	.73	1.00	.65	.31	
GROUP VI							
BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima road pactor or similar; Chip box spreader (Flaherty type of similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors	AREA I	7.79	.73	1.00	.65	.31	
	AREA II	8.79	.73	1.00	.65	.31	

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VII							
COMPRESSOR (2 to 6)(electric, diesel or gas); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument man; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar) (screedman required); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and supported); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (2 to 6); Refrigeration plant; Self-propelled boom type lifting device; Slusher; Soil tester (certified); Surface heater and planer; Trenching machine (maximum digging capacity 3 ft. depth) Truck type loader; Welding machines (gasoline or diesel) (2 to 6)	AREA I	7.94	.73	1.00	.65	.31	
	AREA II	8.94	.73	1.00	.65	.31	

POWER EQUIPMENT OPERATORS (cont'd)		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP VIII						
ASPHALT PLANT ENGINEER; CAR PASER; Cast-in-place pipe laying machine; Combination slusher and motor; Dozer; Concrete batch plant - (multiple units); Elevating grader; Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical trench shield, mixermobile; Push cats; Road oil mixing machine Wood-mixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck." M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer; Sheepfoot; Small tractor (with boom); Soil stabilizer (P & H or equal); Timber skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine	AREA I	$8.24	.73	1.00	.65	.31
	AREA II	9.24	.73	1.00	.65	.31
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago boom combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking machine; Tractor (with boom) (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers; Sub-grader (Gurries or other types)	AREA I	8.42	.73	1.00	.65	.31
	AREA II	9.42	.73	1.00	.65	.31

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP X						
BOOM-TYPE BACKFILLING MACHINE; Back hoe hydraulic); Back hoe (up to and incl. 1 cu. yd.) (cable); Bridge crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical grouting machine; Derricks (2 Group 10 operators required when swing engine remote from hoist); Derrick barges (except excavation work) Euclid loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy duty rotary drill rigs (including caisson foundation work and ribbons type drills); Lift-slab (Vagtborg and similar types); Loader (over 2½ yds. up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor patrol operator; Multiple engine earth moving machines (Euclids, Dozers, etc.) (no tandem scraper); Power shovels, Clamshell, Draglines, Cranes (up to and including 1 cu. yd.); Pre-stress wire wrapping machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle car (reclaim station); Single engine scraper (over 35 cu. yd.); Vacuum cooling plant; Whirley crane (up to and including 25 tons); Rubber-tired scraper (self loading)						
AREA I	$8.61	.73	1.00	.65	.31	
AREA II	9.61	.73	1.00	.65	.31	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP XI						
AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt (1 operator and 2 screedmen); Tandem cats and scrapers; Tower crane mobile Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)						
AREA I	$8.84	.73	1.00	.65	.31	
AREA II	9.84	.73	1.00	.65	.31	
GROUP XI-A						
BAND WAGONS (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" m.r.c.); Operator of helicopter (when used in construction work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)						
AREA I	9.71	.73	1.00	.65	.31	
AREA II	10.71	.73	1.00	.65	.31	

NEVADA AREA DEFINITIONS for Power Equipment Operators

** AREA 2: All areas not included within Area 1 as defined below.
* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of township 22N, range 22E;
Thence Southerly to the N.E. corner of township 20N, range 22E;
Thence Easterly to the N.W. corner of township 20N, range 26E;
Thence Northerly to the N.W. corner of township 22N, range 26E;
Thence Easterly to the N.W. corner of towhnsip 22N, range 29E;
Thence Northerly to the N.W. corner of township 30N, range 29E;
Thence Easterly to the N.E. corner of township 30N, range 33E;
Thence Southerly to the S.E. corner of township 24N, range 33E;
Thence Westerly to the S.E. corner of township 24N, range 31E;
Thence Southerly to the S.E. corner of township 16N, range 31E;
Thence Westerly to the S.E. corner of township 16N, range 30E;
Thence Southerly to the S.E. corner of township 15N, range 30E;
Thence Westerly to the S.E. corner of township 15N, range 27E;
Thence Southerly to the S.E. corner of township 14N, range 27E;
Thence Westerly to the S.E. corner of township 14N, range 23E;
Thence Southerly to the S.E. corner of township 13N, range 23E;
Thence Westerly to the S.E. corner of township 13N, range 22E;
Thence Southerly to the N.E. corner of township 10N, range 22E;
Thence Easterly to the N.E. corner of township 10N, range 23E;
Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;
Thence Easterly to the S.E. corner of township 37N, range 52E;
Thence Northerly to the N.E. corner of township 37N, range 52E;
Thence Easterly to the N.W. corner of township 37N, range 58E;
Thence Southerly to the S.W. corner of township 37N, range 58E;
Thence Easterly to the S.E. corner of township 37N, range 58E;
Thence Southerly to the N.E. corner of township 31N, range 58E;
Thence Westerly to the N.W. corner of township 31N, range 58E;
Thence Southerly to the S.W. corner of township 31N, range 58E;
Thence Westerly to the S.E. corner of township 31N, range 52E;
Thence Northerly to the N.E. corner of township 31N, range 52E;
Thence Westerly to the S.E. corner of township 32N, range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: Passaic

DECISION NO: AQ-2,054 DATE: Date of Publication

Supersedes Decision No. AM-1,718 dated August 1, 1971 in 36 FR 14885

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.202	.5803	.4974		.02
Boilermakers	8.35	8%	9½ + 3%	10%	.01
Boilermakers' helpers	7.82	8%	9½ + 3%	10%	.01
Bricklayers, cement masons, plasterers and stone masons	8.80	.50	.65		.02
Carpenters and Insulators	9.29	6%	6%		.02
Millwrights	9.54	6%	6%		.02
Electricians	9.60	.38	.48	.96	
Elevator constructors	8.68	.075	.125+a	b+c	.015
Elevator constructors' helpers	6.51	.075	.125+a	b+c	.015
Elevator constructors' helpers (prob.)	4.34				
Elevator constructors' modernization	7.91	.075	.125+a	b+c	.015
Elevator constructors modernization helpers	5.93	.075	.125+a	b+c	.015
Elevator constructors repair	7.06	.075	.125+a	b+c	.015
Elevator constructors repair helpers	5.29	.075	.125+a	b+c	.015
Glaziers	8.27	.45	.70		.01
Ironworkers:					
Structural, ornamental and reinforcing	9.15	.64	2.11	.90	.09
Laborers, Building:					
Laborers	6.65	.50	.55		
Air tool op. (jackhammer, vibrator)	6.65	.50	.55		
Mason tenders	6.65	.50	.55		
Mortar mixers	6.65	.50	.55		
Plasterers' tender	6.65	.50	.55		
Pipelayers (concrete and clay)	6.65	.50	.55		
Lathers	6.65	.25	.25		.01
Lead burners	8.75	.30		e	.01
Line Construction:					
Linemen	9.70	4%	1%+5%	.97	
Groundmen	6.79	4%	1%+5%	.97	
Equipment operators	9.70	4%	1%+5%	.97	
Cable splicers	10.50	4%	1%+5%	.97	
Marble setters	7.40	6½%	7%		
Marble setters' helpers	6.83	6½%	7%		
Painters:					
Commercial & Industrial	7.55	10%	10%+f	.34	
Steel	8.05	10%	10%+f	.34	
High hazardous work and bridge	8.05	10%	10%+f	.34	
Piledrivermen and Dock builders	8.90	.80	1.45	.56	.02
Plumbers	8.65	.475	.91	1.00	.04
Roofers:					
Composition	9.20	5%	1.00		
Slate and tile	8.45	.35	.60		
Slate and tile helpers	6.65	.35	.60		
Sheet metal workers	8.70	4%	4%	8%	
Soft floor layers	8.53	6%	5%	4%	
[illegible]	10.12	40	60		.07

16-N.J.-1-2-3-W 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Terrazzo workers	7.60	.395+.45	.395		
Terrazzo workers' helpers	6.63	.395+.45	.395	.15	
Terrazzo workers' machine operators	6.78	.395+.45	.395	.15	
Tile setters	5.88	4%	4%	2%	
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-Christmans Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work; two weeks vacation after 4 years work.

e. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employee contributes $ .45 per hour to an annuity fund.

g. Employer contributes 1% to Temporary Disability Fund.

HEAVY AND HIGHWAY CONSTRUCTION

N.J.-2-IAB-2-3-E

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Laborers:						
Blasters	$7.60	.41	.64	a		
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a		
Timberman	7.20	.41	.64	a		
Form setter	7.15	.41	.64	a		
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a		
Wagon drill op. and drill master	7.05	.41	.64	a		
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a		
Signal man	6.75	.41	.64	a		
Wrapping and coating of all pipe	6.55	.41	.64	a		
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.50	.41	.64	a		
Rakers and tampers on cold patch work	6.50	.41	.64	a		
FREE AIR TUNNEL WORK	Daily Rates					
Blasters	$63.77	.41	.59	a		
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a		
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a		
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	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; Washington's Birthday; Armistice Day; Presidential Electic Day; (providing employee works 3 days for the same employer within a period of 1 working days consisting of 5 working days before and 5 working days after the day

N.J.-5-IAB-5-J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Laborers, Asphalt						
Streets:						
Head rakers	$6.40	.46	.39	a		
Rakers	6.25	.46	.39	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	6.00	.46	.39	a		
Plant:						
Scale mixer and burner men	6.25	.46	.39	a		
Feeders and dust men	6.00	.46	.39	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, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	$7.90	10%+7%	7%	a	
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.10	10%+7%	7%	a	
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used, giraffe grinders, hoppers, silos, hopper doors (motorized)	7.35	10%+7%	7%	a	
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type,, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type-single, compressor and blower						

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	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; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

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; Veterans' Day; Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-O

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS						
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (no self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		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; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

STATE: Oregon
DECISION NO.: AQ-1079
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AQ-1022, dated September 7, 1973, in 38 FR 24532
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.
ASBESTOS WORKERS	$7.85	.35	.60		.06
BOILERMAKERS	7.45	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco(north of the City of Maupin), Washington, N-1/2 of Yamhill Cos.	7.90	.35	.35		.02
N-1/2 of Lincoln, Marion, Polk, S-1/2 of Yamhill Cos.	7.40	.35	.35		.02
Baker, N-1/2 of Malheur, Union, Umatilla, Wallowa Cos.	7.85	.30			
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, S-1/2 of Lincoln, Linn, S-1/2 of Malheur, Wasco(incl. the City of Maupin & south thereof), Wheeler Cos.	7.55	.45	.45	..	.03
CARPENTERS:					
Acoustical & Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	7.29	.55	.40	.35	.03
Piledrivermen, Bridge, Dock & Wharf Builders	7.39	.55	.40	.35	.03
Floor Layers & Finishers; Stationary Power Saw Operators	7.44	.55	.40	.35	.03
Boom Men	7.49	.55	.40	.35	.03
Millwrights & Machine Erectors	7.54	.55	.40	.35	.03
CEMENT MASONS:					
Cement Masons	7.14	.35	.35	.20	.03
Mastic Worker; Composition Worker; Gunnite Man; Power Machinery Operator	7.29	.35	.35	.20	.03
DRYWALL TAPERS	7.24	.40	.40	.35	.03
ELECTRICIANS:					
Malheur County					
Electricians	7.95	.30	1%		1%
Cable Splicers	8.745	.30	1%		1%
Baker; Gilliam; Grant; Morrow; Umatilla; Union; Wallowa; Wheeler Cos.					
Electricians	8.05	.35	1% + .40		.02
Cable Splicers	8.855	.35	1% + .40		.02
Coos; Curry; Lincoln; Those portions of Douglas & Lane Cos. lying west of a line north & south from the NE corner of Coos Co. to the SE corner of Lincoln Co.					
Electricians	8.21	.25	1%		.04
Cable Splicers	9.03	.25	1%		.04
Benton; Crook; Deschutes; Jefferson; Lane (except coast portion); Linn; Marion; Polk; S-1/2 of Yamhill Cos.					
Electricians	$8.50	.25	1%		.04
Cable Splicers	8.95	.25	1%		.04
Clackamas; Clatsop; Columbia; Hood River; Multnomah; Sherman; Tillamook; Wasco; Washington; N-1/2 of Yamhill Cos.					
Electricians	8.05	.25	1% + .40		.02
Cable Splicers	8.70	.25	1% + .40		.02
Harney; Jackson; Josephine; Klamath; Lake; That portion of Douglas lying east of a line running north & south from the NE corner of Coos to the SE corner of Lincoln Cos.					
Electricians	8.40	.25	1%		.04
Cable Splicers	8.95	.25	1%		.04
ELEVATOR CONSTRUCTORS	7.12	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.20	.26	.30	6.5%	.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	7.31	.48	.65	.25	.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Cos.	6.60	.15			.01
MARBLE SETTERS:					
Clackamas, Clatsop,Columbia, Gilliam, Hood River, N-1/2 of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco(north of the City of Maupin), Washington, Yamhill Cos.	7.90	.35	.35		.02
Baker, N-1/2 of Malheur, Union, Umatilla, Wallowa Cos.					
Outside	7.85	.30			
Inside	7.65	.30			
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, S-1/2 of Lincoln, Linn, S-1/2 of Malheur, Wasco(incl. the City of Maupin & south thereof), Wheeler Cos.	7.00	.45	.45		.02
PAINTERS:					
Brush	7.05	.30	.20		.03
Spray	7.30	.30	.20		.03
High Work over 100'	7.55	.30	.20		.03
High Towers, ground to 100'	7.20	.30	.20		.03
High Towers, ground to 300'	7.55	.30	.20		.03
High Towers, ground to over 300'	8.05	.30	.20		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$7.35	.50	.60		.01
PLUMBERS; Steamfitters:					
Baker; Harney(except NW portion); Malheur Cos.	7.39	.37	.40		.05
Grant(except SW corner); Morrow; Umatilla; Wallowa; Union Cos.	7.96	.33	.85	.49	.08
N-1/2 of Benton, Lincoln, & Linn Cos.; S-1/2 of Tillamook & Yamhill Cos.; Marion & Polk Cos.	6.95	.51	.63	1.00	.08
Clackamas; Clatsop; Columbia; Gilliam; Hood River; Jefferson; Multnomah; Sherman; N-1/2 of Tillamook; Wasco; Wheeler; Washington; N-1/2 of Yamhill	7.68	.65	.75		.07
Coos; Curry; West Coast portion of Douglas; Lane(City of Florence)	7.74	.41	.52		.0175
Lane(except for City of Florence); Douglas (except Coast portion); Crook; Deschutes; NW portion of Harney; Northern portions of Klamath and Lake Cos.; S-1/2 of Lincoln, Linn, Benton, & Jefferson Cos.; SW corner of Grant County	7.73	.41	.62		.02
Remainder of Klamath & Lake Counties	7.06	.45	.55	.75	.05
Jackson & Josephine Counties	7.05	.40	.50	.43	.02
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Tillamook, & Wasco Counties					
Roofers	7.30	.45	.55		
Coal Tar	7.80	.45	.55		
Coal Tar in confined areas	8.05	.45	.55		
Wallowa County	6.65				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, & Malheur Counties	6.53	.25			
Marion, Yamhill, Polk, Lincoln, Benton, & Linn Counties	6.00	.22	.15		
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, & Yamhill Cos.	6.94	.33	.24	.28	.02
Malheur County	7.06	.27	.20		.02
Baker, Umatilla, Union, Wallowa Counties	7.65	.32	.50	.50	
Coos, Curry, Douglas, Lane Counties	7.85	.22	.34		½%
Jackson & Josephine Counties	6.73	.22	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS	$7.15	.40	.45	b	.05
SPRINKLER FITTERS	8.70	.30	.50		.05
TILE SETTERS & TERRAZZO WORKERS:					
Clatsop, Clackamas, Columbia, Gilliam, Harney, Hood River, N-1/2 of Lincoln, Marion, Morrow, Multnomah, Polk, Sherman, Wasco(north of the City of Maupin), Washington, Tillamook, & Yamhill Counties	7.24	.35	.35		
Baker, N-1/2 of Malheur, Union, Umatilla, & Wallowa Counties	7.18	.30			
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, S-1/2 of Lincoln & Malheur Cos., Linn, Wasco(incl. the City of Maupin and south thereof), and Wheeler Cos.	6.95	.35	.35		
TILE SETTERS' HELPERS	6.04	.25			
WELDERS; RIGGERS: 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 credits 4% basic hourly rate of employee with over 5 years' service; 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. 4% of all gross wages to be placed to the credit of employees with less than one year of service. 6% to employees with more than one year of service.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	$6.40	.45	.60	.25		
GROUP II						
BLADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or over; Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Forklift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H. D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.54	.45	.60	.25		
GROUP III						
PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4' and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.64	.45	.60	.25		
GROUP IV						
SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer, single drum, under 5 bag capacity;						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV (Cont'd)						
Concrete Cooling Machine; Combination Mixer and Compressor, Gunnite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar type, 20 ft. or over; Service Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.80	.45	.60	.25		
GROUP V						
CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER: Wagner Pactor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H. P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth	6.82	.45	.60	.25		
GROUP VI						
ASPHALT PLANT; Asphalt Paver; Maginnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2 1/2 cu. yds. and under; Rock Spreader, self-propelled	6.90	.45	.60	.25		
GROUP VII						
ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Beltcrete; Pumpcrete; Cement pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump;						

1-ORE-PEO-1-2-3-c (3-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd)						
Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer, Shuttle Car; Locomotive, 40 tons and over	$6.96	.45	.60	.25		
GROUP VIII						
DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	7.06	.45	.60	.25		
GROUP IX						
BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type. 3/8 cu. yds. Loader, front end and overhead 2 1/2 cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Threading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	7.12	.45	.60	.25		
GROUP X						
BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor,						

1-ORE-PEO-1-2-3-c (4-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X (Cont'd)						
Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types Jack Operator Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers & Pushers (Michigan, Cat, Hough type)	$7.18	.45	.60	.25		
GROUP XI						
MIXER MOBILE: Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	7.20	.45	.60	.25		
GROUP XII						
BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.26	.45	.60	.25		
GROUP XIII						
BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds., Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd., but less than 3 cu. yds.; Gradeall, 1 cu. yd., and over; Back Filling Machine	7.34	.45	.60	.25		

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1-ORE-PEO-1-2-3-c (5-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XIV						
RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	$7.50	.45	.60	.25		
GROUP XV						
ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.66	.45	.60	.25		
GROUP XVI						
AUTO GRADER (i.e. CMD) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds., Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	7.84	.45	.60	.25		
GROUP XVII						
CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge), 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	7.98	.45	.60	.25		
GROUP XVIII						
CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with wheel excavator	8.16	.45	.60	.25		
GROUP XVIV						
HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.30	.45	.60	.25		

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1-ORE-LAB-1-2-3-d (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
GROUP I						
Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burner & cutters; Car & truck loaders; Carpenter tender; Change-House man or dry shack men; Choker setters; Cleam up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh man-crusher aggregate (when used)	$5.60	.45	.50	.25	.02	

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP II						
Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls. but not limited to: Chipping Guns; Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), Hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers & fallers, Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)	$5.75	.45	.50	.25	.02	
GROUP III						
Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor, Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types: Gunite nozzleman; High scalers, stiprrers & drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual or normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops.(Bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel--Chuck tenders, Nipper & Timbermen; Vibrators (4" & larger); Water blaster	5.90	.45	.50	.25	.02	
GROUP IV						
Tunnel miners; Tunnel powderman	6.05	.45	.50	.25	.02	

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS: H & W	Pensions	Vacation	App. Tr.	Other
Battery reprailers; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checker & receivers); Water wagons (rated capacity); up to 1600 gals.	6.23	.40	.45	.25		
"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers	6.28	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & dry or wet trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.	6.33	.40	.45	.25		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity: 3000 to 5000 gals.	6.38	.40	.45	.25		
Dumpster or similar equipment, all sizes; Transit mix & wet or dry mix trucks; Over 5 cu. yds. & incl. 7 cu. yds.	6.43	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & dry or wet mix trucks: over 7cu. yds. & incl. 9 cu. yds.; Truck mechanic--welder--body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	6.53	.40	.45	.25		

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (Rated capacity): over 7000 gals to 10,000 gals.	6.63	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 30 cu. yds. & incl. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Wager Wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.73	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.83	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	7.00	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	7.10	.40	.45	.25		
Dump trucks, side, end & bottom dumps; incl. semi truck & trains or combin. thereof: over 70 cu. yds. and incl. 80 cu. yds.	7.20	.40	.45	.25		
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	7.30	.40	.45	.25		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.40	.40	.45	.25		

Drivers and Helpers (handling sacked cement add $.15 per hour).
Winch truck - takes classification of truck on which winch is mounted.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$9.03	.25	1%	.10	½%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.16	.25	1%	.10	½%
Tree Trimmer	7.37	.25	1%	.10	½%
Line Equipment Man	7.03	.25	1%	.10	½%
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	6.15	.25	1%	.10	½%
Groundman; Tree Trimmer Helper	5.80	.25	1%	.10	½%
Hole Digger	5.55	.25	1%	.10	½%
DREDGING					
Dipper Leverman:					
(a) 5 yards and under	7.89	.45	.60	.25	
(b) Over 5 yards	8.44	.45	.60	.25	
Leverman, Hydraulic	7.50	.45	.60	.25	
Assistant Engineer(Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25	
Assistant Engineer(Electric, Diesel, Steam, or Booster Pump); Mates and Boatmen	7.08	.45	.60	.25	
Engineer Welder; Craneman	7.13	.45	.60	.25	
Fireman; Oiler	6.74	.45	.60	.25	
Assistant Mate(Deckhand)	6.64	.45	.60	.25	

STATE: Pennsylvania
Decision No: AQ-2,053
Supersedes Decision Nos: AP- 824 & 825, dated May 18, 1973 in 38 FR 13299 and 13301.
COUNTIES: Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

22-PA-1-A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.16	.42	.30		.01	
Boilermakers	9.12	.50	1.00	.25	.01	
Bricklayers & block layers	8.10		.685			
Carpenters	7.65	.25	.25		.02	
Cement masons	7.715	.25	.25			
Electricians	8.76	.35	1% + .11		~~%~~	
Elevator constructors	8.07	.345	.23	2%+b+c	.015	
Elevator constructors' helpers	5.65	.345	.23	2%+b+c	.015	
Elevator constructors' helpers (prob.)	4.035					
Glaziers	5.64	.20	.10		.01	
Ironworkers, structural	8.46	.64	1.06		.05	
Ironworkers, ornamental	8.46	.64	1.06		.05	
Ironworkers, reinforcing	8.46	.64	1.06		.05	
Laborers:						
Construction Laborers	5.85	.20	.25			
Air, fuel and electric tool operators, pipelayers, power-buggy, precast slab placers and signal men	6.00	.20	.25			
Brick, stone, plaster and cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump and conveyors, blasters, casisson workers, wagon air track and diamond point drill operators burning torches, green cutting machine, steam jenny, sandblasting	6.32	.20	.25			
Nursery workers, window washers, floor scrubbers and watchmen	5.50	.20	.25			
Lathers	7.71	.25	.25			
Lead burners	8.75	.30		a	.01	
Marble setters	8.345	.21				
Millwrights	8.79	.25	.25		.02	
Line Construction:						
Linemen	8.42	.15	1%		.5%	
Groundmen	5.05	.15	1%		.5%	
Cable splicers	8.42	.15	1%		.5%	
Winch truck operator	5.89	.15	1%		.5%	
Painters:						
Brush	6.83	.20	.15			
Structural steel	7.28	.20	.15			
Spray	7.58	.20	.15			
Tanks, bridges, stacks	8.08	.20	.15			
Piledrivermen	9.42	1.23	.55	f	.07	
Plasterers	7.75	.25	.25		.01	
Plumbers	8.90	.30	.40		.12	
Roofers:						
Composition	7.75	.25	.20			

22-PA-1-A 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet metal workers	$8.43	.52	.50			
Soft floor layers	7.39	.25	.25		.02	
Sprinkler fitters	9.05	.40	.60		.07	
Steam fitters	8.90	.30	.40		.12	
Stone masons	8.10		.685			
Terrazzo Workers & Tile Setters	7.525	.20				
Truck Drivers:						
Truck drivers, building Pick-ups, dump, service trucks, flat trucks to and including Z highway lesense plates	5.80	d	e			
Transit Mix, winch trucks, tractor all types euclid, ross lumber and over Z plates	6.05	d	e			
Welders - Receive rate prescribed for craft performing operation to which welding is incidental						

Paid Holidays: (Where applicable):
New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Eight paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F

d. $34.50 per month for employees who has worked sixty hours or more during the month.

e. $25.00 per month for employees who has worked sixty hours or more during the month.

f. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-22-PEO-1-D 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	

AQ-2,053 P. 4

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION
(CONTINUE)

PA-22-PEO-1-D 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
WAGE GROUP VII						
All machines with booms (including jib, masts, leads, etc.):						
100 ft. and over	$9.69	4.6%	9.5%	a	1.2%	
150 ft. and over	9.94	4.6%	9.5%	a	1.2%	
200 ft. and over	10.94	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Puerto Rico
DECISION NO: AQ-2,052
COUNTY: Island Wide
DATE: Date of Publication
Supersedes Decision No. AP-412 dated August 18, 1973, in 37 FR 16778.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

11-PUERTO RICO 1-2-3 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BRICKLAYERS	$2.37					
BRICKLAYERS' HELPERS	1.84					
CARPENTERS	2.25					
CARPENTERS' HELPERS	2.00					
CEMENT MASONS	2.37					
ELECTRICIANS	2.20					
IRONWORKERS	2.00					
LABORERS:						
Laborers	1.80					
PAINTERS; Brush	1.80					
PLUMBERS; Steamfitters	2.20					
PLUMBERS ' HELPERS	1.90					
ROOFERS	1.80					
TRUCK DRIVERS	2.27					
POWER EQUIPMENT OPERATORS:						
Air Compressors	1.80					
Bulldozer	3.25					
Crane, Derrick, Dragline & Shovels	3.35					
Hoist Operator	2.10					
Mechanics	2.65					
Mechanics' Helper	1.80					
Mixer Operator	2.00					
Motor Grader	3.25					
Oilers	2.35					
Roller Operator	2.65					
Scraper Operator	3.35					
Tractor (push)	3.35					

STATE: South Dakota

COUNTIES: Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Charles Mix, Clay, Codington, Corson, Custer, Davidson, Dewey, Edmonds, Fall River, Grant, Gregory, Haakon, Harding, Hughes, Jackson, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Mellette, Moody, Perkins, Potter, Roberts, Shannon, Spink, Stanley, Sully, Todd, Tripp, Union, Walworth, Washabaugh, Yankton and Ziebach

DECISION NUMBER: AQ-1084 DATE: Date of Publication

Supersedes Decision No. AQ-1057 dated November 9, 1973, in 38 FR 31154

DESCRIPTION OF WORK: Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Concrete Finisher	4.56					
Form Builder	4.56					
Form Setter	4.56					
Painter	3.76					
LABORERS:						
Air tool operator	3.36					
Common laborer	3.36					
Landscape workers	3.36					
Form builder helpers (bridge and culvert)	3.76					
Manhole builder	4.30					
Piledriver (leadsman)	4.20					
Pipelayer (other than culvert)	4.20					
Powderman (blaster)	5.00					
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	4.50					
Asphalt distributor helper	3.76					
Asphalt paving machine	4.60					
Asphalt paving machine helper	3.36					
Asphalt plant helper	3.36					
Asphalt plant, stationary & traveling	4.60					
Auger operator (truck type)	3.76					
Automatic fine grader operator	4.70					
Beginner operator (1 year or less experience as Power Equipment Op.)	3.90					
Broom, self-propelled	3.76					
Bulldozer, 80 h.p. or less	4.10					
Bulldozer, over 80 h.p.	4.60					
Bullfloat machine	4.40					
Concrete batch plant	4.60					
Concrete mixer	3.90					
Concrete paver	5.00					
Concrete paving cure machine	4.00					
Concrete paving finishing machine	4.70					
POWER EQUIPMENT OPERATORS (Cont'd))						
Concrete paving form grader	4.70					
Concrete paving joint machine	4.50					
Concrete paving joint sealer	4.00					
Concrete paving saw	4.40					
Concrete paving spreader	4.70					
Concrete paving subgrader	4.60					
Conveyor	3.36					
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1 1/4 cu. yds.or less	4.60					
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1 1/4 cu. yds.	5.00					
Crusher (incl. those with integral screening plant)	4.60					
Curb machine	4.00					
Fireman (boiler and retort)	3.80					
Front End Loader, 1 1/4 cu. yds. or less	3.90					
Front End Loader, 1 1/4 cu. yds to 3 1/4 cu. yds.	4.40					
Front End Loader, over 3 1/4 cu. yds.	4.60					
Mechanic, heavy duty	4.90					
Mechanic, helper	3.90					
Mechanic, maintenance	4.40					
Motor grader (finish)	5.00					
Motor grader (rough)	4.50					
Oiler and greaser	4.40					
Roller, self-propelled (hot mix)	4.10					
Roller, self-propelled (other)	3.76					
Roller, sheepsfoot or 50 ton pneumatic	4.10					
Scrapers	5.20					
Spreader (materials)	4.40					
Stationary plant	4.00					
Tractor (crawler or pneumatic)	4.00					
Tractor, farm type w/attachments (including loader)	3.36					
Tractor - push	4.80					
Traveling plant (stabilization)	4.60					
Traveling plant, helper	3.36					
Trenching machine	4.40					
Wagon drill (including airtrac-trac-drill, etc.)	4.40					
TRUCK DRIVERS:						
Euclid or dumptor	3.72					
Truck crane	3.62					
Truck driver, single axle	3.36					
Truck driver, tandem or semitrailer	3.52					
WELDER:						
Welder, certified	4.70					
Welder, general	4.40					

SUPERSEDEAS DECISION

STATE: Wyoming
DECISION NUMBER: AQ-1078
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No. AQ-1010 dated August 10, 1973, 38 FR 21732
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$ 5.18					
Cement Masons	4.10					
Ironworkers, structural	5.18					
Ironworkers, reinforcing	4.10					
Painters, brush and spray	5.18					

WYOMING LINE CONSTRUCTION - K (1-1)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$ 7.55	.25	1%		1%	
Linemen	6.86	.25	1%		1%	
Equipment Operator	6.28	.25	1%		1%	
Groundman	5.18	.25	1%		1%	
All work 34.5 KV and under						
Lineman	6.63	.25	1%		1%	
Line Equipment Operator	5.76	.25	1%		1%	
Groundman	5.12	.25	1%		1%	

1-WYO-LAB-2-3-h (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (incl. the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right of way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 3.60					
GROUP II						
Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete	3.70					

1-WYO-LAB-2-3-h (2-2)

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III						
Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker	$ 3.85					
GROUP IV						
Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting	4.10					
GROUP V - TUNNEL AND UNDERGROUND WORK						
Brakeman; Swamper; Vibrator man	4.08					
Bull gang; Dumpman; Mucker; Trackman	3.92					
Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers	4.35					
Nipper; Chucktender; Topman; Toplander	4.19					

1-WYO-PEO-2-3-b (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
AUGER MACHINE OPERATOR (Post hole, etc., Batch bin weighman, Scissorman or hopperman; Beginner operator; Brakeman and helpers; Crusher oiler, utility screed operator; Tractor operator, farm, crawler or wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	4.86	.19	.30		.01	
GROUP II						
BROOM OPERATORS, self-propelled; Cableway signalman (bellboy; Concrete saw (self-propelled); Fireman; Power loader, belt and bucket type	4.91	.19	.30		.01	
GROUP III						
AIR COMPRESSOR over 315 cu. ft. cap.; Chip spreader operator; Form grader; Joint machine operator; Longitudinal float operator; Mixer operator, concrete (under 1 yd.); Helper (welder or heavy duty); Roller operator; self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire repairman	4.96	.19	.30		.01	
GROUP IV						
PUMP OPERATOR (except in tunnels, shafts raises)	5.00	.19	.30		.01	
GROUP V						
CONVEYOR BELT OPERATOR; Fork lift and lumber staker; Screening plant operator	5.03	.19	.30		.01	
GROUP VI						
A-FRAME TRUCK; Tractor operator, farm, crawler or wheel type, over 60 hsp. (drawbar); Without use of power attachments	5.08	.19	.30		.01	
GROUP VII						
OILER, Lead utility	5.12	.19	.30		.01	
GROUP VIII						
GUNNITE AND GROUT MACHINE OPERATOR; Mulching machine operator; Oiler distributor	5.14	.19	.30		.01	

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IX						
FRONT END LOADER (up to and incl. 1 1/2 cu. yds.); Pavement breakers, hydro-tamper and similar type machine; Pump, well points	5.25	.19	.30		.01	
GROUP X						
HOIST OPERATOR (one drum)	5.31	.19	.30		.01	
GROUP XI						
HAULAGE MOTORMAN AND INDUSTRIAL TYPE MOTORMAN; Motor patrol operator (all except finish); Pump operator (in tunnels, shafts, raises); Hydro type cranes (up to 15 tons)	5.33	.19	.30		.01	
GROUP XII						
AIR COMPRESSOR, two or more machines or tunnels, shafts, raises or plant operator; Asphalt plant operator; Bituminous laydown machine operator; CMI machine and similar; Concrete batch plant; Concrete finish machine operator; Concrete multiblade span saw (Hunt process or similar); Concrete spreader and paver operator; Crusher operator; Drilling machine, integrated (core, rotary, caisson, diamond); Elevating grader; Front end loader (over 1 1/2 cu. yds.); Jumbo form operator; Mixer operator, base course pugmill type; Mixer bituminous operator (travel plant); Mixer operator, concrete (over one yd.); Motor patrol operator (finish); Mucking machine operator; (all types) Pneumatic guns; Pumpcrete operator; Roller operator (tandem steel wheel 3 axle, or 3 wheel); scraper equipment (all types); Shovels, draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) up to 3 1/2 yds., all attachments; Hydro type cranes (15 tons and over); Shuttle car operator subgrade machine operator (power); Tractor operators (all w/use of power attachments and incl. Pushcat, dozer, tournadozer, etc.); Trenching machine operator; Wash plant operator	5.51	.19	.30		.01	

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XIII						
WELDER, Machine doctor	5.55	.19	.30		.01	
GROUP XIV						
HOIST OPERATOR (two or more drums or shafts or raises); Heavy duty mechanics, machine doctor	5.62	.19	.30		.01	
GROUP XV						
CABLEWAY OPERATOR; Mixer, dual drum; cranes (Whirley, Gantry, Stiffleg, Overhead traveling	5.68	.19	.30		.01	
GROUP XVI						
SHOVELS, Draglines, Cranes, Piledrivers, all truck mounted cranes (mfg's rating) 3 1/2 to 7 cu. yds., all attachments; Wheel operator	5.85	.19	.30		.01	
GROUP XVII						
SHOVELS, Draglines, cranes, piledrivers, all truck mounted cranes (mfg's rating) 7 cu. yds. and over, all attachments	6.19	.19	.30		.01	

1-WYO-TD-2-3-d (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	5.15					
GROUP II FIELD MECHANICS	5.13					
GROUP III DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	5.10					
GROUP IV DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	5.05					
GROUP V DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	5.00					
GROUP VI DUMP (Water level capacity box) 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.90					
GROUP VII LOWBOY AND Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	4.90					
GROUP VIII HELPERS - FIELD (Welders, Mechanics, etc.)	4.66					
GROUP IX OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.60					
GROUP X OVER 3600 gal. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	4.50					

1-WYO-TD 2-3-d (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.40					
GROUP XII DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.30					
GROUP XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	4.15					
GROUP XIV PILOT CAR DRIVERS; Pick-up	4.10					

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