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PART I



HIGHLIGHTS OF THIS ISSUE

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

SUPPLEMENTAL SECURITY INCOME—HEW proposal on hearings, appeals, and judicial review of claims; comments by 3–18–74 5778

RENDERING INDUSTRY—CLC price and pay exemptions; effective 2–15–74 5747

LOSS OR LOW PROFIT RELIEF—CLC proposals; comments by 2–28–74 5747

CANNED SWEET CORN—
FDA amends identity, quality, and container filing standards; effective 4–16–74 5777
FDA proposes amendments to identity standards; comments by 4–16–74 5778

FOOD ADDITIVES—FDA approves use of an additional block copolymer condensate; effective 2–15–74 5777

PESTICIDES—
EPA sets tolerance for 2,4-dichlorophenyl p-nitrophenyl; effective 2–15–74 5765
EPA extends and establishes temporary tolerances (3 documents) 5815, 5816

SENIOR COMPANION PROGRAM—ACTION establishes regulations; effective 3–18–74 5770

AIRPORT DEVELOPMENT—FAA proposal to implement the Airport Development Acceleration Act; comments by 3–18–74 5874

(Continued inside)

PART II:

PUBLIC EMPLOYMENT PROGRAMS—Labor Department initial grant regulations for Title II, Comprehensive Employment and Training Act (CETA); effective 3–2–74 5899

PART III:

RADIOCOMMUNICATIONS—FCC amends approval procedures for RF devices; effective 3–25–74 5911

PART IV:

MINIMUM WAGES—Labor Department decisions for Federal and Federally-assisted construction 5931

February 15, 1974—Pages 5741–6041

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

FEBRUARY 15

JUSTICE DEPARTMENT—Antitrust division's business review procedure. 34804; 12–19–73

NOAA—Weather Modification Activities; Provisions for Reporting Additional Information..... 1832; 1–15–74

FTC—Novoloid; Addition to Generic Names and Definitions..... 1833; 1–15–74

Agriculture—Entry into Official Establishments; Reinspection and Preparation of Products..... 1973; 1–16–74

FEBRUARY 16

Alcohol, Tobacco and Firearms Bureau—Statement of Procedural Rules. 2094; 1–17–74

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AIRWORTHINESS REVIEW—FAA proposal on program; comments by 4–15–74 5813

AIR QUALITY PROGRAMS—EPA proposed compliance schedules for Florida; comments by 3–18–74 5791

SAINT LAWRENCE SEAWAY—Proposed revision of regulations; comment by 3–15–74 5794

CONTROLLED DRUGS—Drug Enforcement Administration sets interim production quota for amorbarbital, pentobarbital, secobarbital and their salts 5805

TOBACCO—USDA proposed loan and purchase program for 1974 crop; comments by 3–15–74 5777

NUCLEAR POWER PLANTS—AEC amends codes and standards; effective 3–18–74 5773

LOANS—FHLBB rules governing special flood hazard areas (3 documents); effective 3–2–74 5748

MOTOR CARRIERS—ICC amends certain quarterly financial report requirements; effective 1–1–74 5776

PETROLEUM ALLOCATION—Federal Energy Office amendments affecting cargo, freight, and mail hauling 5775

MEETINGS—
Labor Department: Labor Research Advisory Council's Committee on Industrial Safety, 3–5–74 5820
Business Research Advisory Council's Committee on Occupational Safety and Health Statistics, 2–26–74 5822
USDA: Shoshone National Forest Multiple Use Advisory Committee, 3–21–74 5808
INTERIOR DEPARTMENT: Pictured Rocks National Lakeshore Advisory Commission, 2–28–74 5806
VA: Career Development Committee, 4–4 and 4–5–74 5820
FAA: Microwave Landing System Advisory Committee, 2–27 and 2–28–74 5813
Coastal Zone Management Advisory Committee, 2–21 and 2–22–74 5814
NASA: Structural Dynamics Ad Hoc Group, 2–21 and 2–22–74 5821
DOD: USAF Scientific Advisory Board, 2–19–74 5805
DIBA: National Industrial Energy Conservation Council, 2–20–74 5809
Subcouncil on Motivation of the National Industrial Energy Conservation Council, 2–15–74 5809
National Science Foundation: Advisory Panel for Sociology, 3–7 and 3–8–74 5821
Energy R and D Advisory Council, 2–25–74 5821
Commerce Department: Importers Textile Advisory Committee, 2–26–74 5809

Contents

ACTION

Rules and Regulations
Senior Companions Program 5770

AGRICULTURAL MARKETING SERVICE

Rules and Regulations
Lemons grown in California and Arizona; limitation of handling 5776
Navel oranges grown in Arizona and designated part of California; limitation of handling 5775

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Forest Service.

AIR FORCE DEPARTMENT

Notices
USAF Scientific Advisory Board; meeting 5805

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations
Hog cholera and other communicable swine diseases; areas quarantined 5748

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations
Contract rights and obligations; miscellaneous amendments 5767

ATOMIC ENERGY COMMISSION

Rules and Regulations
Licensing of production and utilization facilities; procedures for review of certain exempted nuclear reactors; codes and standards for nuclear power plants 5773

Notices
Indiana & Michigan Electric Co. and Indiana & Michigan Power Co.; order dismissing proceeding 5814
Public Service Electric and Gas Co.; prehearing conference 5814

CIVIL AERONAUTICS BOARD

Rules and Regulations
Uniform system of accounts and reports; reporting requirements for Form 41, Schedules B–46, G–42, and G–43 5756

Notices
Hearings, etc.:
Compagnie Nationale De Transports Aeriens Royal Air Maroc Foreign Air Carrier Permit 5814
Cross Canada Flights Ltd 5814

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Notices
Meeting 5814

COMMERCE DEPARTMENT

See Domestic and International Business Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices
Importers Textile Advisory Committee; meeting 5809

COMMODITY CREDIT CORPORATION

Rules and Regulations
Bulk oils; standards for approval of warehouses; transfer of functions 5776

Proposed Rules
Tobacco; loan and purchase program for 1974 5777

COST OF LIVING COUNCIL

Rules and Regulations
Phase IV price and pay regulations; rendering industry-exemption 5747

Proposed Rules
Phase IV price regulations; loss or low profit amendments 5787

CUSTOMS SERVICE

Proposed Rules
Customs field organization; change in Customs Region IX 5777

Notices
Foreign currencies; certification of rates 5805

DEFENSE DEPARTMENT

See Air Force Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices
National Industrial Energy Conservation Council; council meeting (2 documents) 5809

(Continued on next page)

DRUG ENFORCEMENT ADMINISTRATION

Notices

Amobarbital, pentobarbital, secobarbital and their salts; 1974 interim aggregate production quotas 5805
Arthur R. Black; hearing 5805

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; general wage determinations and decisions 5931

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Tolerances and exemptions from tolerances for pesticide chemicals; 2,4-dichlorophenyl *p*-nitrophenyl ether 5765

Proposed Rules

Approval and promulgation of State implementation plans; compliance schedules for Florida 5791

Notices

Registration of Pesticide Nip-Co Gas'M; intent to cancel; order of suspension (2 documents) 5815
State of Mississippi; notice of request for state program approval for control of discharges of pollutants to navigable waters 5816
Temporary tolerances:
Nor-Am Agricultural Products; extension 5815
Shell Chemical Co.; establishment 5815
Zoecon Corp.; extension and establishment 5816

FARMERS HOME ADMINISTRATION

Notices

Business and industrial loans; insured loan interest rates 5808

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
Canadair aircraft 5754
General Electric aircraft engines 5754
Standard instrument approach procedures; miscellaneous amendments 5754

Proposed Rules

Airport Development Acceleration Act of 1973; implementation 5784
Airworthiness review program; invitation to submit proposals for consideration 5785

Notices

Airworthiness Review Program; biennial airworthiness review policy adopted 5813
Microwave Landing System Advisory Committee; meeting 5813

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Commission organization; frequency allocations and radio treaty matters; report and order terminating proceeding 5912
Radio broadcast services; order regarding disclosure of information 5774

FEDERAL ENERGY OFFICE

Rules and Regulations

Petroleum allocation; cargo, freight, and mail hauling 5775

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules and Regulations

Loans in areas having special flood hazards; correction 5748

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Flood insurance on property securing certain loans:
Federal Home Loan Bank System 5748
Federal Savings and Loan Insurance Corporation 5752
Federal Savings and Loan System 5750

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

National Flood Insurance Program; status of participating communities (6 documents) 5767–5770

FEDERAL MARITIME COMMISSION

Notices

American Export Lines Inc., et al; agreements filed 5816

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Anadarko Production Co 5817
Arkla Exploration Co 5817
El Paso Natural Gas Co. (2 documents) 5818, 5819
Natural Gas Pipeline of America 5818
Northern Natural Gas Co 5818
Valley Gas Transmission, Inc 5819

FISH AND WILDLIFE SERVICE

Notices

Lake Woodruff National Wildlife Refuge; hearing 5806

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food and food products:
Canned vegetables 5760
Food additives 5765
Margarine; oleomargarine 5764

Proposed Rules

Canned sweet corn; deletion of certain optional styles of pack and declaration of yellow color type 5777

FOREST SERVICE

Notices

Shoshone National Forest Multiple Use Advisory Committee; meeting 5808

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Procurement sources and programs; interior planning and design services 5765

Notices

Special Study Committee on the Selection of Architects and Engineers; public hearing (2 documents) 5821

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Social Security Administration.

Notices

Assistant Secretary for Health, et al; delegations of authority 5809
Statement of organization, functions and delegations of authority:
Office of Education 5810
Office of Facilities Engineering and Property Management 5811
Office of International Affairs Management 5811
Food and Drug Administration 5812

HEARINGS AND APPEALS OFFICE

Notices

Petition for modification of mandatory safety standard:
Carbon Fuel Co 5806
Consolidation Coal Co 5807
Sahara Coal Co 5807
Swisher Coal Co 5808

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Production and Mortgage Credit Office; Federal Insurance Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Hearings and Appeals Office; National Park Service.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Classes of carriers; reports of motor carriers; quarterly reports of motor carriers of property 5766

Notices

Assignment of hearings 5823
Freight rates and charges; increase to offset retirement tax increases 5823

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

LABOR DEPARTMENT

See also Employment Standards Administration; Labor Statistics Bureau; Occupational Safety and Health Administration.

Rules and Regulations

Programs under Title II of the Comprehensive Employment and Training Act; implementation of public employment programs ---- 5900

Notices

Worker eligibility for adjustment assistance:
General Electric Co ---- 5822
Zenith Radio Corp ---- 5822

LABOR STATISTICS BUREAU

Notices

Committee meetings:
Business Research Advisory Council ---- 5822
Labor Research Advisory Council ---- 5820

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

NASA Structural Dynamics Ad Hoc Group; meeting ---- 5821

NATIONAL PARK SERVICE

Notices

Chamizal National Memorial, Texas; establishment ---- 5806
Pictured Rocks National Lakeshore Advisory Commission; meeting ---- 5806

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Advisory Panel for Sociology ---- 5821
Energy R&D Advisory Council ---- 5821

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Air East, Inc.; accident investigation hearing ---- 5820

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Vinyl chloride, possible hazards in manufacture and use; request for information and notice of fact-finding hearing; correction ---- 5822

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Proposed Rules

Seaway regulations ---- 5794

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Supplemental security income for the aged, blind, and disabled; determinations, reconsideration, hearings, appeals, and judicial review ---- 5778

TARIFF COMMISSION

Notices

Investigations:
Sbicca of California ---- 5820
Wall-Streeter Shoe Co ---- 5820

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration.

Rules and Regulations

Organization and delegation of powers and duties; delegation of functions under Emergency Highway Energy Conservation Act ---- 5766

TREASURY DEPARTMENT

See also Customs Service.

Notices

Flat Spindle adapters from the United Kingdom; antidumping proceeding ---- 5805

VETERANS ADMINISTRATION

Notices

Career Development Committee; meeting ---- 5820

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

6 CFR

150 ... 5747
152 ... 5747

PROPOSED RULES:

150 ... 5787

7 CFR

907 ... 5775
910 ... 5776
1424 ... 5776

PROPOSED RULES:

1464 ... 5777

9 CFR

76 ... 5748

10 CFR

50 ... 5773
115 ... 5773
211 ... 5775

12 CFR

339 ... 5748
523 ... 5748
545 ... 5750
563 ... 5752

14 CFR

39 (2 documents) ... 5754
97 ... 5754
241 ... 5756

PROPOSED RULES:

Ch. I ... 5785
152 ... 5784

19 CFR

PROPOSED RULES:

1 ... 5777

20 CFR

PROPOSED RULES:

416 ... 5778

21 CFR

45 ... 5764
51 ... 5760
121 ... 5765

PROPOSED RULES:

51 ... 5777

24 CFR

207 ... 5767
1914 (6 documents) ... 5767–5770

29 CFR

96 ... 5900

33 CFR

PROPOSED RULES:

401 ... 5794

40 CFR

180 ... 5765

PROPOSED RULES:

52 ... 5791

41 CFR

101–26 ... 5765

45 CFR

1207 ... 5770

47 CFR

0 ... 5912
2 ... 5912
73 ... 5774

49 CFR

1 ... 5766
1240 ... 5766
1249 ... 5766

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 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Rendering Industry—Price and Pay Exemption

The purpose of these amendments is to exempt the prices charged for edible and inedible tallow, lard, grease and similar products by firms which manufacture those items and to add a corresponding exemption to the Phase IV pay regulations.

In accordance with the Council's objective of removing controls selectively, where conditions permit, the Council has decided to exempt the prices charged for edible and inedible tallow, lard, grease, stearin and similar products by manufacturers of those products.

The industry is relatively small with sales volume amounting to about $1.5 billion. Of that amount $1.1 billion is accounted for by inedible products while edible products account for the remaining $0.4 billion. Meat packers produce about one-half of the inedible products and nearly all of the edible products. The approximately 800 independent rendering firms produce the remaining portion of the industry's products. Most of these independent renderers are exempt from Phase IV price controls as small firms. Fewer than 100 independent rendering firms are subject to price controls.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales or revenues from the sale or lease of non-exempt items and 90% or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment rendering edible or inedible tallow, grease, lard, or stearin from animal fat, bones and meat scraps. The exemption is set forth in new § 152.40g. The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the rendering industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25% or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the rendering industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, 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. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(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, 38 FR 1489).

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective February 12, 1974.

Issued in Washington, D.C., on February 12, 1974.

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

1. In 6 CFR Part 150, section 150.54 is amended to add a new paragraph (hh) to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(hh) *Rendering industry.* The prices which manufacturers of edible and inedible tallow, lard, grease, stearin or other fat products from animal fat, bones and meat scraps charge for those products are exempt. The affected animal fats and products are described in the Standard Industrial Classification Manual, 1972 edition, in group No. 201 and Industry No. 2077.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40g to read as follows:

§ 152.40g Rendering industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the rendering industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the rendering industry.* For purposes of this section, "Establishment in the rendering industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry No. 2077 (Animal and Marine Fats and Oils) or under Group No. 201 (Meat Products) and primarily engaged in the manufacture of edible or inedible lard, grease, tallow, or stearin from animal fat, bones and meat scraps. If an establishment which engages in rendering activities also engages in other activities classified under Group No. 201, such establishment will only qualify for this exemption if rendering is the primary activity of such establishment.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the rendering industry or in support of such operation only if such employee is employed at an establishment in the rendering industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the rendering industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the rendering industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the rendering industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the rendering industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 12, 1974.

[FR Doc.74-3732 Filed 2-12-74;10:21 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines portions of Yalobusha, Grenada, Montgomery, Carroll, Leflore, and Tallahatchie Counties in Mississippi because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e)(1) relating to the State of Mississippi is added to read:

(e) * * *

(1) *Mississippi.* The adjacent portions of Yalobusha, Grenada, Montgomery, Carroll, Leflore, and Tallahatchie Counties bounded by a line beginning at the junction of State Highway 32 and Interstate Highway 55 in Yalobusha County; thence, following Interstate Highway 55 in a southeasterly direction to U.S. Highway 82 in Montgomery County; thence, following U.S. Highway 82 in a northwesterly direction to U.S. Highway 49 E in Leflore County; thence, following U.S. Highway 49 E in a northwesterly direction to State Highway 32 in Tallahatchie County; thence, following State Highway 32 in a northeasterly direction to its junction with Interstate Highway 55 in Yalobusha County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28646, 28477, 38 FR 19141)

Effective date. The foregoing amendment shall become effective on February 11, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-3752 Filed 2-14-74;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Correction

In FR Doc. 74-3166, appearing on page 4756 in the issue for Thursday, February 7, 1974, make the following corrections:

1. The first 4 paragraphs should be changed to read as follows:

1. In enacting the Flood Disaster Protection Act of 1973 (87 Stat. 975), the Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards.

The Congress further found that a component part of this accelerating development has been the availability of financial assistance, including real estate loans by banks and other financial institutions, thus encouraging construction in flood prone areas.

Accordingly, the Flood Disaster Protection Act imposes certain conditions on the making of such loans by federally supervised, regulated or insured banks and other financial institutions, requiring in substance that the property securing such loans be covered by adequate flood insurance.

To implement these requirements, the Federal financial supervisory agencies designated in the Act, including the Federal Deposit Insurance Corporation, are directed, pursuant to sections 102(b) and 202(b) of the Act (87 Stat. 978, 982) to issue appropriate regulations with respect to institutions under their respective supervisory jurisdictions. This Part 339 is intended to comply with that legislative mandate.

2. In the authority citation beneath the table of contents, insert the number "982," between the numbers "978," and "983".

3. In the authority citation following the text of § 339.4, the number "970" should be changed to read "978".

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-56]

PART 523—MEMBERS OF BANKS

Flood Insurance on Property Securing Certain Loans by Certain Members of the Federal Home Loan Bank System

JANUARY 30, 1974.

In enacting the Flood Disaster Protection Act of 1973, P.L. 93-234, Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards.

Congress further found that a component part of this accelerating development has been the availability of financial and other assistance, including real estate and mobile home loans, by savings and loan associations and other financial institutions supervised, regulated or insured by or through certain Federal agencies and instrumentalities, thus encouraging construction and other development in flood prone areas.

Section 102 of the Act requires the purchase of flood insurance by all recipients of loans from Federally-insured or supervised banks and savings and loan institutions, as well as by recipients of any form of direct or indirect Federal financial assistance, including disaster assistance, after March 1, 1974, as a condition of the making, increasing, extending, or renewing of any such loan that will be used in whole or part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home located or to be located in an area (and any personal property securing such loan): (1) That has been identified (by a map published in the FEDERAL REGISTER) by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development as an area having special flood hazards and (2) in

which Federally-subsidized flood insurance is being sold.

The Senate Committee Report on P.L. 93–234 elaborates on the requirement of section 102 as follows:

> Under section 102(b), Federally-supervised private lending institutions would have to require flood insurance on personal property within an identified flood-prone area only if (1) the loan for personal property was part of, or made at the same time as, a loan or loan modification involving real estate or a mobile home and (2) the personal property was itself made subject to the real estate mortgage or chattel mortgage or other security interest for the benefit of the lender. Thus, personal property, such as inventory, financed by a supervised bank through an unsecured line of credit independently of a real estate loan would not be subject to the flood insurance requirement, unless the bank chose to require flood insurance on its own initiative.

The Report also notes that "The amount of insurance to be required is the maximum limit of coverage available through private insurance or an amount equal to the balance of the loan, whichever is less. The requirement would apply to all new loans, as well as to any modification of outstanding loans, but would not apply to existing loans for which no new approvals or changes in conditions were applied for."

The Federal Government makes highly-subsidized flood insurance (which is not available privately) available to property owners within a flood-prone community in return for the adoption by the community of land use and control measures, consistent with criteria prescribed by H.U.D., to reduce or avoid flood damage in connection with future construction within the areas of its flood plain that have been identified by H.U.D. as having special hazards.

The program does not require any flood-proofing or other structural alterations of buildings retroactively, but it does require the first floors of new buildings to be elevated at least to the level of the so-called 100-year flood, which is defined as the flood which has a 1 percent chance of occurring in any given year.

Again, under P.L. 93–234, only those limits of coverage must be purchased by a borrower which are available under the National Flood Insurance Program at the time of the loan closing within the particular community in which the loan will be used (or secured, if a mortgage is taken in connection with funds borrowed for other purposes).

Policies can be purchased from any licensed property insurance agent or broker within an eligible community.

Flood insurance is sold only within communities that have applied to participate in the program after first adopting preliminary land use and control measures (primarily, a building permit system) to reduce or avoid future flood damage within its flood-prone areas. However, under the 1973 Act, the Federal Insurance Administrator will send out notifications to nonparticipating communities if he finds they have areas that are subject to periodic flooding. Most of these notices will be sent out by June 30, 1974.

Section 202 of the Act extends the insurance purchase requirement after June 30, 1975, to all formally-identified areas having special flood hazards, so that if the community in which the area is situated is not by then (or within one year after formal identification, whichever is later) participating in the National Flood Insurance Program, no mortgage loan or grant for acquisition, construction, or improvement of land or buildings, within the provisions of subsections (a) or (b) of section 202 of the Act, can be made within the special flood hazard area. Thus, after June 30, 1975, the requirements will apply to all communities within the United States where flood-prone areas have been identified, thus giving non-participating communities approximately a year in which to enter the program.

Information as to the availability of flood insurance and the maximum limits of coverage obtainable with respect to a particular type of property can be obtained from the National Flood Insurers Association, 160 Water Street, New York, New York 10038, telephone (212) 487–5000, or from the NFIA servicing company for the State or area in which the community is located. The servicing company is also responsible for the distribution of literature on the program. Such information is also generally available from any licensed property insurance agent or broker within the community. Information as to the eligibility of a community for the flood insurance program can normally be obtained from the office of the chief executive officer of the community. Special questions on any of the above matters may be addressed to the Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755–5581.

As may be seen from the above references, the provisions of the Act are new and complicated. In meeting the Board's responsibilities under sections 102(b), 102(c), and 202(b) of the Act, the regulations set forth below substantially restate these statutory provisions.

However, in order to supply as much guidance to Bank members as possible at this time, it is the Board's present view, subject to possible revision in the future, that: (1) Unless an increase, extension, or renewal is granted after March 1, 1974, any loan closed prior to March 2, 1974, is not affected by the Act; and (2) a loan in a designated flood area closed after March 1, 1974, is not affected by the Act if such loan is closed pursuant to a bona fide commitment outstanding at the close of March 1, 1974, to make such loan and no increase, extension, or renewal has been granted after March 1, 1974. Also, it is the Board's present view, subject to possible revision in the future, that: (1) Unless an increase, extension, or renewal is granted after March 1, 1974, the Act does not affect the purchase by a Bank member of any loan closed prior to March 2, 1974; and (2) the Act does not affect the purchase by a Bank member of a loan in a designated flood area closed after March 1, 1974, if such loan was closed pursuant to a bona fide commitment outstanding at the close of March 1, 1974, to make such loan and no increase, extension, or renewal was granted after March 1, 1974. Moreover, the Board believes that certain purchases of certain loans are covered by the Flood Disaster Protection Act of 1973, which expressly refers to the making of loans, because the word "make" is a broad and ambiguous word which should be construed to avoid existence of a loophole in such prohibiting Act and regulation. Further, the Board believes it desirable that there be uniformity as to applicability of flood insurance requirements with respect to the Bank members regulated by the Board. Therefore, the pertinent provisions of the regulations set forth below include purchases of such loans to a similar extent as the making of such loans.

It is noted that the regulations set forth below do not require a service corporation, even though a Bank member has an ownership interest therein, to have the security of its loans in designated flood-prone areas covered by flood insurance. Also, it is noted that such regulations do not require a savings and loan holding company, which controls a Bank member, to have such flood insurance for its loans. These and other interpretations of the Flood Disaster Protection Act of 1973 are subject to change on the basis of further study of such Act and its legislative history.

A number of other questions may arise which cannot be anticipated or cannot be answered at this time. Interpretations will be made by regulation or otherwise as required by future needs, and as the time required for necessary study, analysis and deliberation permits.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 523 of the Rules and Regulations for the Federal Home Loan Bank System (12 CFR Part 523) by adding a new subpart heading and a new § 523.29, immediately preceding the subpart heading reading "Withdrawal and Removal From Membership", to read as set forth below, effective March 2, 1974.

The requirements of section 553(b) and section 553(d) of Title 5 of the United States Code and §§ 508.11 and 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11, 508.14) are not followed in connection with the promulgation of this regulation because the Board hereby finds that such requirements are impracticable and unnecessary with respect to this regulation and that the public interest and existing law compel the Board to make this regulation effective no later than March 2, 1974. The Board hereby provides that such amendment shall become effective as hereinbefore set forth.

FLOOD INSURANCE

§ 523.29 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b)

and (c) of section 102 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93–234). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(b) *Flood insurance*—(1) *Requirement.* Notwithstanding any provision of this subchapter other than this section, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew after March 1, 1974, any loan (other than a loan closed after March 1 1974, as to which there was outstanding at the close of March 1, 1974, a commitment to make such loan) secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, as amended, whichever is less.

(2) *Exception.* Notwithstanding the provisions of paragraph (b) (1) of this section, flood insurance is not required by this paragraph (b) on any State-owned property that is covered under an adequate State policy of self-insurance satisfactory to the Secretary of Housing and Urban Development. Subsection (c) of section 102 of the Flood Disaster Protection Act of 1973, the first sentence of which is implemented by the first sentence of this subparagraph (2), provides, in part, that such Secretary shall publish and periodically revise the list of States to which that subsection applies.

(c) *Community participation in insurance program.* On and after July 1, 1975, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

(d) *Records of compliance.* Each member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall maintain in connection with all loans secured by improved real estate or a mobile home sufficient records to indicate the method used by such member to determine whether or not such loans fall within the provisions of this section.

(e) *Purchase of loans.* The provisions of this section do not prohibit the purchase after March 1, 1974, of a loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, without compliance with the flood insurance requirements in paragraphs (b) and (c) of this section, if:

(1) As to a loan closed before March 2, 1974, such loan has not been increased, extended, or renewed after March 1, 1974;

(2) As to a loan closed after March 1, 1974, such loan was closed pursuant to a commitment, outstanding at the close of March 1, 1974, to make such loan and such loan has not been increased, extended, or renewed.

(f) *Service corporation loans.* The provisions of this section do not apply to loans of a service corporation (see § 545.-9–1 of this chapter) even though one or more Bank members own all or part of the capital stock of such corporation.

(g) *Loans of savings and loan holding companies.* The provisions of this section do not apply to loans of a savings and loan holding company (defined in § 583.11 of this chapter) although such provisions may apply to certain loans of a Bank member which is controlled by such holding company.

(Sec. 17, 48 Stat 736, as amended (12 U.S.C. 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071. Secs. 102(b), 102(c) and 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 978, 982)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74–3770 Filed 2–14–74;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74–57]

PART 545—OPERATIONS

Flood Insurance on Property Securing Certain Loans by Federal Savings and Loan Associations

JANUARY 30, 1974.

In enacting the Flood Disaster Protection Act of 1973, P.L. 93–234, Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards.

Congress further found that a component part of this accelerating development has been the availability of financial and other assistance, including real estate and mobile home loans, by savings and loan associations and other financial institutions supervised, regulated or insured by or through certain Federal agencies and instrumentalities, thus encouraging construction and other development in flood prone areas.

Section 102 of the Act requires the purchase of flood insurance by all recipients of loans from Federally-insured or supervised banks and savings and loan institutions, as well as by recipients of any form of direct or indirect Federal financial assistance, including disaster assistance, after March 1, 1974, as a condition of the making, increasing, extending, or renewing of any such loan that will be used in whole or part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home located or to be located in an area (and any personal property securing such loan): (1) That has been identified (by a map published in the FEDERAL REGISTER) by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development as an area having special flood hazards and (2) in which Federally-subsidized flood insurance is being sold.

The Senate Committee Report on P.L. 93–234 elaborates on the requirement of section 102 as follows:

> Under section 102(b), Federally-supervised private lending institutions would have to require flood insurance on personal property within an identified flood-prone area only if (1) the loan for personal property was part of, or made at the same time as, a loan or loan modification involving real estate or a mobile home and (2) the personal property was itself made subject to the real estate mortgage or chattel mortgage or other security interest for the benefit of the lender. Thus, personal property, such as inventory, financed by a supervised bank through an unsecured line of credit independently of a real estate loan would not be subject to the flood insurance requirement, unless the bank chose to require flood insurance on its own initiative.

The Report also notes that "The amount of insurance to be required is the maximum limit of coverage available through private insurance or an amount equal to the balance of the loan, whichever is less. The requirement would apply to all new loans, as well as to any modification of outstanding loans, but would not apply to existing loans for which no new approvals or changes in conditions were applied for."

The Federal Government makes highly-subsidized flood insurance (which is not available privately) available to property owners within a flood-prone community in return for the adoption by the community of land use and control measures, consistent with criteria prescribed by H.U.D., to reduce or avoid flood damage in connection with future construction within the areas of its flood plain that have been identified by H.U.D. as having special hazards.

The program does not require any flood-proofing or other structural alterations of buildings retroactively, but it

does require the first floors of new buildings to be elevated at least to the level of the so-called 100-year flood, which is defined as the flood which has a 1 percent chance of occurring in any given year.

Again, under P.L. 93–234, only those limits of coverage must be purchased by a borrower which are available under the National Flood Insurance Program at the time of the loan closing within the particular community in which the loan will be used (or secured, if a mortgage is taken in connection with funds borrowed for other purposes).

Policies can be purchased from any licensed property insurance agent or broker within an eligible community.

Flood insurance is sold only within communities that have applied to participate in the program after first adopting preliminary land use and control measures (primarily, a building permit system) to reduce or avoid future flood damage within its flood-prone areas. However, under the 1973 Act, the Federal Insurance Administrator will send out notifications to nonparticipating communities if he finds they have areas that are subject to periodic flooding. Most of these notices will be sent out by June 30, 1974.

Section 202 of the Act extends the insurance purchase requirement after June 30, 1975, to all formally-identified areas having special flood hazards, so that if the community in which the area is situated is not by then (or within one year after formal identification, whichever is later) participating in the National Flood Insurance Program, no mortgage loan or grant for acquisition, construction, or improvement of land or buildings, within the provisions of subsections (a) or (b) of section 202 of the Act, can be made within the special flood hazard area. Thus, after June 30, 1975, the requirements will apply to all communities within the United States where flood-prone areas have been identified, thus giving non-participating communities approximately a year in which to enter the program.

Information as to the availability of flood insurance and the maximum limits of coverage obtainable with respect to a particular type of property can be obtained from the National Flood Insurers Association, 160 Water Street, New York, New York 10038, telephone (212) 487–5000, or from the NFIA servicing company for the State or area in which the community is located. The servicing company is also responsible for the distribution of literature on the program. Such information is also generally available from any licensed property insurance agent or broker within the community. Information as to the eligibility of a community for the flood insurance program can normally be obtained from the office of the chief executive officer of the community. Special questions on any of the above matters may be addressed to the Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C., 20410, telephone (202) 755–5581.

As may be seen from the above references, the provisions of the Act are new and complicated. In meeting the Board's responsibilities under sections 102(b), 102(c), and 202(b) of the Act, the regulations set forth below substantially restate these statutory provisions.

However, in order to supply as much guidance to Federal associations as possible at this time, it is the Board's present view, subject to possible revision in the future, that: (1) Unless an increase, extension, or renewal is granted after March 1, 1974, any loan closed prior to March 2, 1974, is not affected by the Act; and (2) a loan in a designated flood area closed after March 1, 1974, is not affected by the Act if such loan is closed pursuant to a bona fide commitment outstanding at the close of March 1, 1974 to make such loan and no increase, extension, or renewal has been granted after March 1, 1974. Also, it is the Board's present view, subject to possible revision in the future, that: (1) Unless an increase, extension, or renewal is granted after March 1, 1974, the Act does not affect the purchase by a Federal association of any loan closed prior to March 2, 1974; and (2) the Act does not affect the purchase by a Federal association of a loan in a designated flood area closed after March 1, 1974, if such loan was closed pursuant to a bona fide commitment outstanding at the close of March 1, 1974, to make such loan and no increase, extension, or renewal was granted after March 1, 1974. Moreover, the Board, pursuant to its statutory power under section 5 of the Home Owners' Loan Act of 1933, as amended, determines that certain purchases of certain loans by Federal associations should meet the same requirements as are required for the making of loans by such associations under the Flood Disaster Protection Act of 1973. Further, the Board believes that such purchases are covered by the said Flood Disaster Protection Act of 1973, which expressly refers to the making of loans, because the word "make" is a broad and ambiguous word which should be construed to avoid existence of a loophole in the prohibiting Act and regulation.

It is noted that the regulations set forth below do not require a service corporation, even though a Federal association has an ownership interest therein, to have the security for its loans in designated flood-prone areas covered by flood insurance. This and other interpretations of the Flood Disaster Protection Act of 1973 are subject to change on the basis of further study of such Act and its legislative history.

A number of other questions may arise which cannot be anticipated or cannot be answered at this time. Interpretations will be made by regulation or otherwise as required by future needs, and as the time required for necessary study, analysis and deliberation permits.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new § 545.8–4, immediately following § 545.8–3 thereof, to read as set forth below, effective March 2, 1974.

The requirements of section 553(b) and section 553(d) of Title 5 of the United States Code and §§ 508.11 and 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11, 508.14) are not followed in connection with the promulgation of this regulation because the Board hereby finds that such requirements are impracticable and unnecessary with respect to this regulation and that the public interest and existing law compel the Board to make this regulation effective no later than March 2, 1974. The Board hereby provides that such amendment shall become effective as hereinbefore set forth.

§ 545.8–4 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93–234). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(b) *Flood insurance*—(1) *Requirement.* Notwithstanding any provision of this subchapter other than this section, a Federal association shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew after March 1, 1974, any loan (other than a loan closed after March 1, 1974, as to which there was outstanding at the close of March 1, 1974, a commitment to make such loan) secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, as amended, whichever is less.

(2) *Exception.* Notwithstanding the provisions of paragraph (b)(1) of this section, flood insurance is not required by this paragraph (b) on any State-owned property that is covered under an adequate State policy of self-insurance satisfactory to the Secretary of Housing and Urban Development. Subsection (c) of section 102 of the Flood Disaster Protection Act of 1973, the first sentence of which is implemented by the first sentence of this subparagraph (2), provides, in part, that such Secretary shall publish and periodically revise the list of States to which that subsection applies.

(c) *Community participation in insurance program.* On and after July 1, 1975,

a Federal association shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

(d) *Records of compliance.* Each Federal association shall maintain in connection with all loans secured by improved real estate or a mobile home sufficient records to indicate the method used by such association to determine whether or not such loans fall within the provisions of this section.

(e) *Purchase of loans.* The provisions of this section do not prohibit the purchase after March 1, 1974, of a loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, without compliance with the flood insurance requirements in paragraphs (b) and (c) of this section, if:

(1) As to a loan closed before March 2, 1974, such loan has not been increased, extended, or renewed after March 1, 1974;

(2) As to a loan closed after March 1, 1974, such loan was closed pursuant to a commitment, outstanding at the close of March 1, 1974, to make such loan and such loan has not been increased, extended, or renewed.

(f) *Service corporation loans.* The provisions of this section do not apply to loans of a service corporation (see § 545.9–1 of this part) even though one or more Federal associations own all or part of the capital stock of such corporation.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071. Sections 102 (b), 102(c) and 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 978, 982)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74-3771 Filed 2-14-74;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-58]

PART 563—OPERATIONS

Flood Insurance on Property Securing Certain Loans by Insured Institutions

JANUARY 30, 1974.

In enacting the Flood Disaster Protection Act of 1973, P.L. 93–234, Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards.

Congress further found that a component part of this accelerating development has been the availability of financial and other assistance, including real estate and mobile home loans, by savings and loan associations and other financial institutions supervised, regulated or insured by or through certain Federal agencies and instrumentalities, thus encouraging construction and other development in flood prone areas.

Section 102 of the Act requires the purchase of flood insurance by all recipients of loans from Federally-insured or supervised banks and savings and loan institutions, as well as by recipients of any form of direct or indirect Federal financial assistance, including disaster assistance, after March 1, 1974, as a condition of the making, increasing, extending, or renewing of any such loan that will be used in whole or part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home located or to be located in an area (and any personal property securing such loan): (1) That has been identified (by a map published in the FEDERAL REGISTER) by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development as an area having special flood hazards and (2) in which Federally-subsidized flood insurance is being sold.

The Senate Committee Report on P.L. 93–234 elaborates on the requirement of section 102 as follows:

> Under section 102(b), Federally-supervised private lending institutions would have to require flood insurance on personal property within an identified flood-prone area only if (1) the loan for personal property was part of, or made at the same time as, a loan or loan modification involving real estate or a mobile home and (2) the personal property was itself made subject to the real estate mortgage or chattel mortgage or other security interest for the benefit of the lender. Thus, personal property, such as inventory, financed by a supervised bank through an unsecured line of credit independently of a real estate loan would not be subject to the flood insurance requirement, unless the bank chose to require flood insurance on its own initiative.

The Report also notes that "The amount of insurance to be required is the maximum limit of coverage available through private insurance or an amount equal to the balance of the loan, whichever is less. The requirement would apply to all new loans, as well as to any modification of outstanding loans, but would not apply to existing loans for which no new approvals or changes in conditions were applied for."

The Federal Government makes highly-subsidized flood insurance (which is not available privately) available to property owners within a flood-prone community in return for the adoption by the community of land use and control measures, consistent with criteria prescribed by H.U.D., to reduce or avoid flood damage in connection with future construction within the areas of its flood plain that have been identified by H.U.D. as having special hazards.

The program does not require any flood-proofing or other structural alterations of buildings retroactively, but it does require the first floors of new buildings to be elevated at least to the level of the so-called 100-year flood, which is defined as the flood which has a 1 percent chance of occurring in any given year.

Again, under P.L. 93–234, only those limits of coverage must be purchased by a borrower which are available under the National Flood Insurance Program at the time of the loan closing within the particular community in which the loan will be used (or secured, if a mortgage is taken in connection with funds borrowed for other purposes).

Policies can be purchased from any licensed property insurance agent or broker within an eligible community.

Flood insurance is sold only within communities that have applied to participate in the program after first adopting preliminary land use and control measures (primarily, a building permit system) to reduce or avoid future flood damage within its flood-prone areas. However, under the 1973 Act, the Federal Insurance Administrator will send out notifications to non-participating communities if he finds they have areas that are subject to periodic flooding. Most of these notices will be sent out by June 30, 1974.

Section 202 of the Act extends the insurance purchase requirement after June 30, 1975, to all formally-identified areas having special flood hazards, so that if the community in which the area is situated is not by then (or within one year after formal identification, whichever is later) participating in the National Flood Insurance Program, no mortgage loan or grant for acquisition, construction, or improvement of land or buildings, within the provisions of subsections (a) or (b) of section 202 of the Act, can be made within the special flood hazard area. Thus, after June 30, 1975, the requirements will apply to all communities within the United States where flood-prone areas have been identified, thus giving non-participating communities approximately a year in which to enter the program.

Information as to the availability of flood insurance and the maximum limits of coverage obtainable with respect to a particular type of property can be obtained from the National Flood Insurers Association, 160 Water Street, New York, New York 10038, telephone (212) 487-5000, or from the NFIA servicing company for the State or area in which the community is located. The servicing company is also responsible for the distribution of literature on the program. Such information is also generally available from any licensed property insurance agent or broker within the community. Information as to the eligibility of a community for the flood insurance

program can normally be obtained from the office of the chief executive officer of the community. Special questions on any of the above matters may be addressed to the Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755–5581.

As may be seen from the above references, the provisions of the Act are new and complicated. In meeting the Board's responsibilities under sections 102(b), 102(c), and 202(b) of the Act, the regulations set forth below substantially restate these statutory provisions.

However, in order to supply as much guidance to insured institutions as possible at this time, it is the Board's present view, subject to possible revision in the future, that: (1) Unless an increase, extension, or renewal is granted after March 1, 1974, any loan closed prior to March 2, 1974, is not affected by the Act; and (2) a loan in a designated flood area closed after March 1, 1974, is not affected by the Act if such loan is closed pursuant to a bona fide commitment outstanding at the close of March 1, 1974, to make such loan and no increase, extension, or renewal has been granted after March 1, 1974. Also, it is the Board's present view, subject to possible revision in the future, that: (1) Unless an increase, extension, or renewal is granted after March 1, 1974, the Act does not affect the purchase by an insured institution of any loan closed prior to March 2, 1974; and (2) the Act does not affect the purchase by an insured institution of a loan in a designated flood area closed after March 1, 1974, if such loan was closed pursuant to a bona fide commitment outstanding at the close of March 1, 1974, to make such loan and no increase, extension, or renewal was granted after March 1, 1974. Moreover, the Board believes that certain purchases of certain loans are covered by the Flood Disaster Protection Act of 1973, which expressly refers to the making of loans, because the word "make" is a broad and ambiguous word which should be construed to avoid existence of a loophole in such prohibiting Act and regulation. Further, the Board believes it desirable that there be uniformity as to applicability of flood insurance requirements with respect to the insured institutions regulated by the Board. Therefore, the pertinent provisions of the regulations set forth below include purchases of such loans to a similar extent as the making of such loans.

It is noted that the regulations set forth below do not require a service corporation, even though an insured institution has an ownership interest therein, to have the security for its loans in designated flood-prone areas covered by flood insurance. Also, it is noted that such regulations do not require a savings and loan holding company, which controls an insured institution, to have such flood insurance for its loans. These and other interpretations of the Flood Disaster Protection Act of 1973 are subject to change on the basis of further study of such Act and its legislative history.

A number of other questions may arise which cannot be anticipated or cannot be answered at this time. Interpretations will be made by regulation or otherwise as required by future needs, and as the time required for necessary study, analysis and deliberation permits.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) by adding a new § 563.9–6 to read as set forth below, effective March 2, 1974.

The requirements of section 553(b) and section 553(d) of title 5 of the United States Code and §§ 508.11 and 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11, 508.14) are not followed in connection with the promulgation of this regulation because the Board hereby finds that such requirements are impracticable and unnecessary with respect to this regulation and that the public interest and existing law compel the Board to make this regulation effective no later than March 2, 1974. The Board hereby provides that such amendment shall become effective as hereinbefore set forth.

§ 563.9–6 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93–234). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(b) *Flood insurance*—(1) *Requirement.* Notwithstanding any provision of this subchapter other than this section, an insured institution shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew after March 1, 1974, any loan (other than a loan closed after March 1, 1974, as to which there was outstanding at the close of March 1, 1974, a commitment to make such loan) secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, as amended, whichever is less.

(2) *Exception.* Notwithstanding the provisions of paragraph (b)(1) of this section, flood insurance is not required by this paragraph (b) on any State-owned property that is covered under an adequate State policy of self-insurance satisfactory to the Secretary of Housing and Urban Development. Subsection (c) of section 102 of the Flood Disaster Protection Act of 1973, the first sentence of which is implemented by the first sentence of this subparagraph (2), provides, in part, that such Secretary shall publish and periodically revise the list of States to which that subsection applies.

(c) *Community participation in insurance program.* On and after July 1, 1975, an insured institution shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance.

(d) *Records of compliance.* Each insured institution shall maintain in connection with all loans secured by improved real estate or a mobile home sufficient records to indicate the method used by such institution to determine whether or not such loans fall within the provisions of this section.

(e) *Purchase of loans.* The provisions of this section do not prohibit the purchase after March 1, 1974, of a loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, without compliance with the flood insurance requirements in paragraphs (b) and (c) of this section, if:

(1) As to a loan closed before March 2, 1974, such loan has not been increased, extended, or renewed after March 1, 1974;

(2) As to a loan closed after March 1, 1974, such loan was closed pursuant to a commitment, outstanding at the close of March 1, 1974, to make such loan and such loan has not been increased, extended, or renewed.

(f) *Service corporation loans.* The provisions of this section do not apply to loans of a service corporation (defined in § 561.26 of this subchapter) even though one or more insured institutions own all or part of the capital stock of such corporation.

(g) *Loans of savings and loan holding companies.* The provisions of this section do not apply to loans of a savings and loan holding company (defined in § 583.11 of this chapter) although such provisions may apply to certain loans of an insured institution which is controlled by such holding company.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071. Sections 102(b), 102(c) and 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 978, 982)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74-3772 Filed 2-14-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-9; Amdt. 39-1788]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Aircraft

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL-44D4 and CL-44J airplanes.

There have been reports of cracked uplock fittings in the subject aircraft. Since this is a deficiency which can exist or develop in similar-type aircraft, an airworthiness directive is being issued which will require inspection and replacement where necessary of the subject fittings.

Since the foregoing deficiencies have an effect on air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

CANADAIR. Applies to all CL-44D4 and CL-44J airplanes with more than 20,000 hours' time in service. To detect cracks in the main landing gear unlock attachment fitting, P/N 44-10162 and -1, accomplish the following:

1. Within the next 100 hours' time in service after the effective date of this AD, unless accomplished within the last 400 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service, inspect the main landing gear uplock attachment fitting, P/N 44-10162 and -1 at the four corners of the lug for cracks using a dye penetrant inspection with a glass of at least 10-power or an approved equivalent inspection.

2. Cracked parts must be replaced before further flight, or repaired before further flight as specified in paragraphs 1 (a) and (b) of the Inspection Procedure of Canadair's Service Information Circular 374-CL-44 or with an approved equivalent repair.

3. The compliance times may be increased by the Chief, Engineering and Manufacturing Branch FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

4. Equivalent inspections, parts or repairs must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective February 20, 1974.

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

Issued in Jamaica, N.Y., on February 6, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-3730 Filed 2-14-74;8:45 am]

[Docket No. 73-NE-29; Amdt. 39-1775]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

On January 30, 1974, FR Doc. 74-23-51 was published in the FEDERAL REGISTER (39 FR 3818) amending AD 73-23-5. A review of the language of the amendment reveals that there was an incorrect reference to one of the General Electric Alert Service Bulletins incorporated by reference in the AD. Accordingly, action is taken herein to correct this inadvertent error.

Since this amendment is minor in nature and is one in which members of the public are not particularly interested, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than thirty (30) days notice.

In view of the foregoing, FR Doc. 74-23-51 is amended by deleting the phrase "or (CF 700) A72-72" in paragraph three of the FEDERAL REGISTER document (subparagraph 1b of AD 73-23-5) and inserting the phrase "or (CF 700) A72-70" in lieu thereof.

The effective date of the original amendment (January 30, 1974) is retained.

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

Issued in Burlington, Massachusetts, on February 5, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-3731 Filed 2-14-74;8:45 am]

[Docket No. 13526; Amdt. No. 903]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 28, 1974:*

Albany, Ga.—Albany-Dougherty County Arpt., VOR Rwy 16, Amdt. 18.
Aurora, Ill.—Aurora Muncipal Arpt., VOR-A, Amdt. 4.
Bentonville, Ark.—Bentonville Municipal Arpt., VOR-A, Orig.
Charleston, W. Va.—Kanawha Arpt., VOR-A, Amdt. 8.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., VOR Rwy 4R, Amdt. 1, Canceled.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., VOR Rwy 22L, Amdt. 1, Canceled.
Chicago (West Chicago), Ill.—DuPage County Arpt., VOR Rwy 10, Amdt. 1.
Green Bay, Wis.—Austin-Straubel Field, VOR Rwy 12, Amdt. 13.
Green Bay, Wis.—Austin-Straubel Field, VORTAC Rwy 36, Amdt. 5.
Greenville, Miss.—Greenville Municipal Arpt., VOR Rwy 17L, Amdt. 4.
Gulfport, Miss.—Gulfport Municipal Arpt., VOR Rwy 13, (TAC), Amdt. 14.
Gulfport, Miss.—Gulfport Municipal Arpt., VOR Rwy 31, (TAC), Amdt. 14.
Hillsboro, Oreg.—Portland-Hillsboro Arpt., VOR-A, Amdt. 1.
Kaunakakai, Molokai—Molokai Arpt., VOR-A (TAC), Amdt. 4.
Lockport, Ill.—Lewis-Lockport Arpt., VOR Rwy 9, Amdt. 1.
Long Beach, Calif.—Long Beach (Daughterty Field) Arpt., VOR Rwy 30 (TAC), Amdt. 2.
Peru, Ind.—Peru Municipal Arpt., VOR/DME Rwy 36, Orig.
St. Charles, Mo.—St. Charles Arpt., VOR-B, Orig.

* * * *effective February 28, 1974:*

Ashland, Wis.—John F. Kennedy Memorial Arpt., VOR Rwy 2, Orig.
Ashland, Wis.—John F. Kennedy Memorial Arpt., VOR Rwy 31, Orig.
Santa Monica, Calif.—Santa Monica Municipal Arpt., VOR-A, Amdt. 2.
Santa Monica, Calif.—Santa Monica Municipal Arpt., VOR Rwy 3, Amdt. 5.

* * * *effective February 21, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., VOR-A, Amdt. 6.
Kalispell, Mont.—Glacier Park Int'l Arpt., VOR Rwy 29, Amdt. 5.
Rochester, N.Y.—Rochester-Monroe County Arpt., VOR Rwy 22, Orig., Canceled.

* * * *effective February 1, 1974:*

Los Angeles, Calif.—Los Angeles Int'l Arpt., VOR Rwy 25L, Amdt. 5.
Los Angeles, Calif.—Los Angeles Int'l Arpt., VOR Rwy 25R, Amdt. 5.

* * * *effective January 31, 1974:*

Moberly, Mo.—Omar N. Bradely Arpt., VOR/DME Rwy 17, Amdt. 3.

* * * *effective January 29, 1974:*

Aguadilla, P.R.—Borinquen Arpt., VOR Rwy 8, Orig.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, *effective March 28, 1974:*

Chicago, Ill.—Chicago Midway Arpt., LOC Rwy 4R, Amdt. 3.
Chicago, Ill.—Chicago Midway Arpt., LOC Rwy 31L, Amdt. 4.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., LOC Rwy 4L, Amdt. 7.
Fort Worth, Tex.—Meacham Field, LOC (BC) Rwy 34R, Orig.
Fort Worth, Tex.—Meacham Field, LOC (BC) Rwy 35, Amdt. 15, Canceled.
Green Bay, Wis.—Austin-Straubel Field, LOC (BC) Rwy 24L, Amdt. 10.
Tampa, Fla.—Tampa Int'l Arpt., LOC (BC) Rwy 36R, Amdt. 15.

* * * *effective February 21, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., LOC (BC) Rwy 17L, Orig.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., LOC (BC) Rwy 27R, Amdt. 10, Canceled.

* * * *effective January 31, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., LOC (BC) Rwy 17R, Amdt. 10, Canceled.

3. Section 97-27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 28, 1974:*

Albany, Ga.—Albany-Dougherty County Arpt., NDB Rwy 4, Amdt. 2.
Appleton, Wis.—Outagamie County Arpt., NDB Rwy 2, Amdt. 3.
Appleton, Wis.—Outagamie County Arpt., NDB Rwy 11, Amdt. 3.
Appleton, Wis.—Outagamie County Arpt., NDB Rwy 20, Amdt. 1.
Appleton, Wis.—Outagamie County Arpt., NDB Rwy 29, Amdt. 4.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 9L, Amdt. 1.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 9R, Amdt. 1.
Chicago, Ill.—Chicago Midway Arpt., NDB Rwy 4R, Amdt. 5.
Chicago, Ill.—Chicago Midway Arpt., NDB Rwy 13R, Amdt. 4.
Chicago, Ill.—Chicago Midway Arpt., NDB Rwy 31L, Amdt. 3.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 4L, Amdt. 6.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 9R, Admt. 6.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 14L, Amdt. 15.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 14R, Amdt. 13.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 27R, Amdt. 14.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 32L, Amdt. 10.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., NDB Rwy 32R, Amdt. 10.
Fort Worth, Tex.—Meacham Field, NDB Rwy 16L, Orig.
Fort Worth, Tex.—Meacham Field, NDB Rwy 17, Amdt. 3, Canceled.
Fort Worth, Tex.—Meacham Field, NDB Rwy 34R, Orig.
Fort Worth, Tex.—Meacham Field, NDB Rwy 35, Amdt. 5, Canceled.
Green Bay, Wis.—Austin-Straubel Field, NDB Rwy 6R, Amdt. 11.
Gulfport, Miss.—Gulfport Municipal Arpt., NDB Rwy 13, Amdt. 4.
Portland, Ind.—Steed Field, NDB Rwy 27, Amdt. 3.
Salem, Ill.—Salem Leckrone Arpt., NDB Rwy 18, Amdt. 4.
Tampa, Fla.—Tampa Int'l Arpt., NDB Rwy 18L, Amdt. 28.

* * * *effective February 28, 1794:*

Ashland, Wis.—John F. Kennedy Memorial Arpt., NDB Rwy 2, Amdt. 4.

* * * *effective February 21, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., NDB Rwy 35L, Amdt. 10.
Abilene, Tex.—Abilene Municipal Arpt., NDB Rwy 35R, Amdt. 1.
Wilmington, Ohio—Wilmington Industrial Airpark, NDB Rwy 22, Orig.

* * * *effective January 31, 1974:*

Lyons, Kansas—Lyons-Rice County Municipal Arpt., NDB Rwy 17R, Amdt. 1.
Pella, Iowa—Pella Municipal Arpt., NDB Rwy 34, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following SIAPs ILS, *effective March 28, 1974:*

Albany, Ga.—Albany-Dougherty County Arpt., ILS Rwy 4, Amdt. 1.
Appleton, Wis.—Outagamie County Arpt., ILS Rwy 2, Amdt. 4.
Charleston, W. Va.—Kanawha Arpt., ILS Rwy 23, Amdt. 21.
Chicago, Ill.—Chicago Midway Arpt., ILS Rwy 13R, Amdt. 31.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 9R, Amdt. 4.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 14L, Amdt. 4.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 14R, Amdt. 19.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 27L, Amdt. 3.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS 27R, Amdt. 16.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 32L, Amdt. 11.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS 32R, Amdt. 8.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 14L, Amdt. 1, Canceled.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 14R, Orig., Canceled.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 27L, Amdt. 2, Canceled.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 27R, Amdt. 4, Canceled.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 32L, Amdt. 3, Canceled.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Parallel ILS Rwy 32R, Amdt. 2, Canceled.
Fort Worth, Tex.—Meacham Field, ILS Rwy 16L, Orig.
Fort Worth, Tex.—Meacham Field, ILS Rwy 17, Amdt. 22, Canceled.
Green Bay, Wis.—Austin-Straubel Field, ILS Rwy 6R, Amdt. 12.
Greenville, Miss.—Greenville Municipal Arpt., ILS Rwy 17L, Amdt. 2.
Gulfport, Miss.—Gulfport Municipal Arpt., ILS Rwy 13, Amdt. 4.
Tampa, Fla.—Tampa Int'l Arpt., ILS Rwy 18L, Amdt. 29.
Tampa, Fla.—Tampa Int'l Arpt., ILS Rwy 36L, Amdt. 4.
Waco, Tex.—James Connally Arpt., ILS Rwy 17, Amdt. 1.

* * * *effective February 21, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., ILS Rwy 35R, Orig.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 9L, Amdt. 19, Canceled.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 27L, Orig.
Kalispell, Mont.—Glacier Park Int'l Arpt. ILS Rwy 1, Orig.
Rochester, N.Y.—Rochester-Monroe County Arpt., ILS Rwy 4, Amdt. 6.
Victoria, Tex.—Victoria County-Foster Arpt., ILS Rwy 12L, Orig.

* * * *effective January 31, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., ILS Rwy 35L, Amdt. 9, Canceled.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPS, *effective March 28, 1974:*

Chicago, Ill.—Chicago Midway Arpt., Radar-1, Amdt. 18.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., Radar-1, Amdt. 27.
Green Bay, Wis.—Austin-Straubel Field, Radar-1, Amdt. 1.

* * * *effective February 21, 1974:*

Abilene, Tex.—Abilene Municipal Arpt., Radar-1, Amdt. 4.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPS, *effective March 28, 1974:*

Albany, Ga.—Albany-Dougherty County Arpt., RNAV Rwy 34, Amdt. 1.
Charleston, W. Va.—Kanawha Arpt., RNAV Rwy 14, Amdt. 2.
Charleston, W. Va.—Kanawha Arpt., RNAV Rwy 32, Amdt. 2.
Fort Worth, Tex.—Meacham Field, RNAV Rwy 17, Orig, Canceled.
Fort Worth, Tex.—Meacham Field, RNAV Rwy 35, Orig, Canceled.

* * * *effective February 1, 1794:*

Los Angeles, Calif.—Los Angeles Int'l Arpt., RNAV Rwy 25L, Amdt. 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on February 7, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-3729 Filed 2-14-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-836; Amdt. 10]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting Requirements for Form 41, Schedules B-46, G-42, and G-43

In notice of proposed rulemaking EDR-250,[1] the Board proposed amendment of Part 241 of the Economic regulations (14 CFR Part 241) which would: (1) revise Form 41 Schedules B-46, G-41, G-42 and G-43 of Part 241 and applicable reporting requirements; (2) extend the applicability of Schedule B-46 and certain portions of Schedule G-42 to a "person controlling an air carrier" as defined therein; and (3) add new Form 41 Schedule A-2 and applicable reporting requirements to Part 241.

Comments in response to the rule making notice were received from Alaska Continental Development Corporation (ALCO), American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), RKO General, Inc. (RKO General), Saturn Airways, Inc., (Saturn), Transamerica Corporation (Transamerica), UAL, Inc. (UAL) and United Air Lines, Inc. (United). Upon consideration of all the comments received, the Board has determined that, except as modified herein, it shall adopt the proposed rule and make final the tentative findings and conclusions on which it was based.

Eastern, Frontier, Northwest and Pan American objected to the portion of the proposed amendment which would require disclosure of names and addresses of persons, other than the record owner, who possessed or exercised voting rights with respect to securities reported on Schedule G-41, "Persons Holding More than 5 Percent of Respondent's Capital Stock or Capital." The objections raised by each of the carriers were essentially the same. They state, *inter alia*, that such information is unavailable to them because their information does not extend beyond the stockholder of record, especially in cases where stock is held for others in the "street name" of brokerage houses. They further state that even if the information required by the proposed amendment were available to them, the reporting would be duplicative of information already received by the Board under Part 245 of the Economic Regulations, thereby imposing an unnecessary reporting burden.

The principal objectives of the proposed amendment to Schedule G-41, were to better enable the Board to locate and identify those persons who may be in a position to acquire control of an air carrier through control of voting rights to a substantial block of the carrier's stock, and to monitor the disclosure requirements of Part 245 of the Economic Regulations. In order to accomplish these objectives, it would be necessary that the names of all persons who possessed and/or exercised voting rights be disclosed, including persons other than the record owner who may be intentionally or unintentionally circumventing the requirements of Part 245. However, since this information may be unavailable to the carriers and the Board's developing experience with its amendments to Part 245 indicate that the requisite information may now be adequately reported by the persons themselves,[2] we have decided to withdraw the proposed amendment to Schedule G-41 and omit it from the final rule.

Eastern states that the proposed amendment to Schedule G-42, "Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors," which would require disclosure of stock option information, is also duplicative. Eastern directs attention to the fact that officers and directors are already required to provide such information under the provisions of Part 245.[3]

In the Board's view, the exclusion of information regarding stock options of officers and directors from Schedule G-42 and the Form 41 reports as a whole, would effectively render incomplete the information which the schedule is intended to elicit and could, in turn, result in inaccurate conclusions by users of Form 41 schedules because of incomplete data. The evaluation of security interests of officers and directors, as set forth in the Form 41 reports, would obviously be hampered in the absence of information regarding stock options. In addition, the evaluation of compensation paid to carriers' principal officers and directors would also be hampered because, in many cases, stock options have come to represent a portion of the compensation paid officers and directors. For these reasons, the Board has decided to adopt this portion of the proposed amendments, without modification.

Northwest objects to the portion of the proposed amendments which would require disclosure of all directors, officers and employees affiliated with any of the persons or firms reported on Schedule G-43, "Compensation and Expenses of Persons or Firms (Other than Directors, Officers and Employees) Earning $20,000 or More per Calendar Year." Northwest states that such information from their directors, officers and employees would be an "undesirable and unnecessary intrusion into employee personal and proprietary affairs." Northwest also contends that accumulation of such data in time to meet the established due dates for filing the schedule represents an impossible task, because the identity of persons and firms to be reported on Schedule G-43 cannot be ascertained until the end of the year.

The Board's primary concern in requesting such information is the disclosure of those officers, directors and employees whose affiliations with persons or firms doing business with the carrier are such that a conflict of interest could arise. From a regulatory point of view, information regarding possible conflicts of interest have always been of concern to the Board and the benefits to be derived from prompt and regularized disclosures would normally justify the burden of requesting such information from carrier employees. Nevertheless, in the final rule we have determined to qualify the term "employee" so as to include only officers, directors, and all supervisory or key personnel regardless of their location or expense classification. Thus, the thrust of the final rule is directed exclusively to those persons whose positions with the carriers carry with it the possibility of influencing decisions concerning the choice of persons or firms with whom the carrier does business. The Board believes this modification of the proposed rule will result in decreasing the reporting burden which would have resulted if the rule were adopted as proposed.

Northwest also objects to reporting Schedule G-43 information on the accrual basis. The carrier states that since accruals are essentially estimates, any over-estimates of amounts due persons or firms, if publicly reported, could influence persons or firms in their subsequent billings, to the disadvantage of the air carrier.

While we agree with Northwest that there are many occasions when accruals involve estimates, we cannot agree with the carrier that the change to an accrual basis will be detrimental. It has been the Board's experience that accruals are fairly reflective of the actual expenses which are ultimately paid. Stated differently, the overestimated accruals which Northwest states could have a detrimental effect on subsequent billings, are the exception rather than the rule. Therefore, the Board has decided to adopt the proposed amendment of Schedule G-43 which would require reporting on an accrual basis.

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[1] Docket 25704, July 23, 1973, 38 FR 19694.

[2] ER-780, adopted October 25, 1972; effective December 29, 1972.

[3] Eastern also states that the same information would essentially be reported three times, once on Schedule G-42, once on Schedule G-44, "Corporate and Securities Data" and once on CAB Form 2786 as required in Part 245. However, the comment indicates a misunderstanding of the reporting required on Schedule G-44. The reporting required on Schedule G-44 applies to officers and directors, only if they hold more than 5 percent of the amount subject to option. Thus, information regarding each officer and director need not necessarily be disclosed on Schedule G-44. Additionally, it should be noted that while CAB Form 2786 is not limited by the 5 percent criterion, it is an individual report and not a corporate report. Therefore, the reporting burden is not duplicative because it is filed by different parties.

American, UAL,[4] and United support the proposed rule as it applies to persons controlling an air carrier, while ALCO, RKO General, Saturn and Transamerica responded with objections.

The four respondents who objected stated that the applicability of Schedule B–46, "Long-Term and Short-Term Non-Trade Debt" and Schedule G–42, "Security Interests of Officers and Directors and Compensation Paid Principal Officers and Directors" to persons controlling an air carrier was unnecessary and, therefore, burdensome to such persons. ALCO and Saturn state that information of the type requested on Schedule B–46, which requires disclosure of non-trade debt of controlling persons, is of no legitimate concern to the Board and goes well beyond what may be required in the public interest. RKO General and Transamerica[5] state that the information of the type to be disclosed on Schedule B–46 is already contained in their annual reports[6] to the Securities and Exchange Commission. RKO General specifically requested that if the amendment is finally adopted, they be permitted to file this annual report with the Board, in lieu of filing Schedule B–46. The carriers state that this report contains much more meaningful information than that which would be received on Schedule B–46. All four of the corporations in opposition to the rule objected to the disclosure of the security interests of officers and directors of the controlling person on Schedule G–42, stating that the information would be of no use to the Board.

The Board is not persuaded by the objections to this portion of the proposal; namely, that the extension of B–46 and portions of the G–42 reporting requirements to persons controlling an air carrier is unnecessary or unduly burdensome. For the most part the carriers do not dispute the Board's interest in the surveillance of parent and air carrier subsidiary relationships. Their objections are grounded in the contention that the reporting proposed will not be useful in this surveillance.

On the contrary, the Board believes these reports will provide a great deal of useful information by identifying and locating those creditors and stockholders who could exercise a material influence on the parent concern which, in turn, could materially influence an air carrier subsidiary's ability to conduct air transportation service.[7] The Board further believes that the information contained in SEC Form 10–K will not provide the specificity which will be contained on Schedule B–46, particularly with regard to the detailed description of each debt issue in excess of 5 percent of total outstanding debt. Therefore, the Board will not permit the filing of SEC Form 10–K in lieu of the proposed requirements.

The respondents who opposed reporting the security interests of officers and directors of a controlling person fail to recognize that such officers and directors who have "working control" of controlling persons, coupled with ownership of a relatively small percentage of stock, may be able to exert as substantial an influence as persons who hold larger percentages of stock and/or a significant percentage of a controlling person's short-term and long-term debt. Therefore, this proposed requirement has been made final.

In their response to the notice of proposed rulemaking, RKO General, Inc., raised an important question with regard to reporting responsibility. RKO General is a wholly-owned subsidiary of the General Tire and Rubber Company and under the proposed rule would be regarded as a "controlling person" by virtue of its direct ownership interest in Frontier. However, by virtue of their whole ownership of RKO General, the General Tire and Rubber Company would also be a "controlling person" by virtue of its indirect ownership of Frontier through RKO General. RKO General states, that under such circumstances, it should be unnecessary for both corporations to file reports since RKO General, in its capacity as holder of a direct interest in Frontier, is essentially the alter ego of The General Tire and Rubber Company. It, therefore, proposes that only General Tire, as the "top controlling person" should file this report.

In this type of layered ownership, whether or not a company is dependent upon its parent for external financing is generally one of company policy.[8] Insofar as it represents a matter of policy and is subject to change, the Board is of the opinion that it would be placing an undue reliance upon company policy if it were to exempt RKO General and other such companies, in similar circumstances, from the reporting requirements. Moreover, a debt issue which would be significant—and therefore reportable—by RKO General might be insignificant—and therefore not reportable—by General Tire. Thus, limiting the reporting requirement hereunder to the latter corporation could result in the lack of disclosure of a significant debt issue, particularly if such debt issue is insignificant when consolidated with other debt issues of the "top controlling person."[9] Therefore, the Board will require both RKO General and The General Tire and Rubber Company to file Schedules A–2, B–46, and G–42 to the extent set forth in the final rule.

This rule is being made effective December 31, 1973, so that it will be applicable to reports due March 30, 1974, for the Year Ended December 31, 1973. This should provide adequate time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the year-end reports; thus, we find good cause to make it effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective December 31, 1973, as follows:

1. Amend Section 03—Definitions for Purposes of This System of Accounts and Reports, as follows:

Section 03—Definitions for Purposes of This System of Accounts and Reports

* * * * * *

Control (including the terms *Controlling, Controlled by,* and *Under common control*). * * *

Controlling person—(See *Person Controlling an air carrier*)

Cost—the amount of cash * * *

* * * * * *

Passengers transported—passengers on board * * *

Person controlling an air carrier—any person, as defined in section 101 (27) of the Act, whom the Board has found, in any proceeding, to control an air carrier, or who holds, directly or indirectly, the legal or beneficial ownership of more than 50 percent of the outstanding voting capital stock or capital of an air carrier, and who does not make a proper showing to the Board that he does not control the carrier despite such stock ownership, shall be deemed to be a person controlling the carrier for the purpose of this part. A brokerage firm which holds record ownership of securities merely for the convenience of the customer beneficially owning the stock shall not be deemed a person controlling

[4] UAL does not believe the Board has the authority to require it to file periodic reports of the type contained in this rulemaking. However, UAL states that it is in full accord wih the Board's stated objective to keep fully informed of holding company-air carrier relationships and waives its objections in connection with this rulemaking without waiving any right to object to any further reporting requirements which may be proposed in the future.

[5] Transamerica points out that Trans International Airlines, Inc., its wholly-owned subsidiary, accounted for only 4.08 percent of Transamerica's consolidated revenues during 1972 and at December 31, 1972, the total assets of the airline represented only 2.89 percent of Transamerica's consolidated assets. These and other statistics are cited by Transamerica to emphasize the burden which would be imposed on the parent corporation if it were to report its non-trade debt. However, the materiality of the regulated corporation in relation to its parent is not at issue here; the fact remains that Transamerica is the controlling person as far as the air carrier is concerned.

[6] The annual reports referred to are Securities and Exchange Commission Form 10–K.

[7] The same circumstances apply to individuals as well as corporations. Therefore, we will not accept Saturn's suggestion that individuals (natural persons) be exempted from reporting.

[8] For example, Transamerica's policy requires that each subsidiary company obtain financing on its own, without guarantees from Transamerica or any other subsidiary.

[9] Under the reporting requirements, persons controlling an air carrier need only report each debt issue in excess of 5 percent of outstanding debt.

an air carrier for the purposes of this part.

Premium * * *

* * * * *

Section 22—General Reporting Instructions

2. Amend Section 22—General Reporting Instructions, as follows:

A. By adding new Schedule A–2 and by changing the respective titles of Schedules G–42 and G–43 in the list in paragraph (a), title "List of Schedules in CAB Form 41 Report," as follows:

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency
*	* * *	*
A–1	* * *	
A–2	Controlling person's certification.	Annually.
B–1	* * *	
*	* * *	*
G–41	* * *	
G–42	Security interests of all officers and directors and compensation paid to principal officers and directors.	Do.
G–43	Compensation and expenses of persons and firms (other than directors, officers, and employees) earning $20,000 or more during the calendar year.	Do.
G–44		
*	* * *	*

B. By adding new Schedule A–2 to the list in paragraph (a), titled "Due Dates of Schedules in CAB Form 41 Report," as follows:

Due dates of schedules in CAB Form 41 report

Due date[1]	Schedule No.
*	* * * *
Mar. 1	
Mar. 30	A–2, B–1, B–9, B–41, B–42, B–43, B–44, B–46, P–1(a), P–41, G–41, G–42, G–43, G–44, T–1, T–7
Apr. 30	
*	* * * *

Section 23—Certification and Balance Sheet Elements

3. Amend Section 23—Certification and Balance Sheet Elements, as follows:

A. By inserting, following the reporting instructions for Schedule A–1 and preceding the reporting instructions for Schedule B–1, reporting instructions for Schedule A–2, to read as follows:

Schedule A–2—Controlling Person's Certification.

(a) The certification of the controlling person's CAB Form 41 report shall be signed by an elective corporate officer, executive or director, or by such other person as may be authorized by the controlling person to sign the certification, provided that a written authorization disclosing the individual's name and title is submitted to the Civil Aeronautics Board. Since corrections or revisions of reported data are a part of the report of the person controlling an air carrier, all correspondence relating to such matters shall be signed only by persons authorized to sign such certifications.

(b) The certification of the controlling person's Form 41 report, embodied in Schedule A–2 thereof, shall read as follows:

I, the undersigned_____

_____

(Title, if any, of person signing)

of the_____

_____

(Full name of person controlling air carrier)

do certify that Schedules B–46 and G–42 which are submitted herewith for the above-indicated period have been prepared by me or under my direction; that I have carefully examined them, and that, to the best of my knowledge and belief, they are complete and accurate statements.

B. By revising the reporting instructions for Schedule B–46 to read:

Schedule B–46—Long-Term and Short-Term Non-Trade Debt

(a) This schedule shall be filed by all route air carriers and all persons controlling a route air carrier, and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) of the air carrier or the person controlling the air carrier, as applicable, in excess of 5 percent of their respective total outstanding debt.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures," "Bank Notes," "Credit Agreement," etc. This column shall also reflect for each issue a brief description of the terms of payment and, where applicable, conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(e) Columns 2, 3 and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(f) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(g) Column 6 shall reflect the face value or principal amount of debt securities issued or assume which has not been retired or canceled, and are not payable within one year of the reporting date.

(h) Column 7 shall reflect the face value of all notes, drafts, acceptances or other similar evidences of indebtedness payable on demand or within one year, including the portion of long-term debt due within one year of the reporting date.

(i) For route air carriers, the totals in columns 6 and 7 shall reflect the balance outstanding as at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(j) Columns 8 and 9 shall reflect the name and address of each person holding more than 5 percent of the issue or $500,000, whichever is smaller, and the amount held by each such person as at December 31.

4. Amend Section 26—General Corporate Elements, by revising the reporting requirements for Schedules G–42, and G–43, to read as follows:

Schedule G–42—Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors.

(a) This schedule shall be filed by all route air carriers and all persons controlling a route air carrier.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) For purposes of preparing this schedule, *directors* are those individuals who comprise the Board of Directors of the air carrier or the controlling person, as applicable, and *officers* are those corporate officials who are elected or appointed by the Board of Directors of the air carrier or the controlling person, as applicable.

(e) Air carriers are required to complete columns 1 through 7 of the "Security Interests" section and columns 1 through 4 of the "Compensation" section of this schedule. Persons controlling an air carrier are required to complete only columns 1 through 7 of the "Security Interests" section.

(f) In the "Security Interests" section of this schedule, the required information shall be reported individually for each officer and director, and in the "Compensation" section, trunklines and Pan American shall report individually the compensation paid to each officer and director receiving $50,000 or more during the calendar year while all other carriers shall report individually the compensation paid to each officer and director receiving $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation.

(g) In the "Security Interests" section of this schedule, column 1 shall reflect the name and title of each officer and director, and columns 2 through 7 shall reflect the security interests that each officer and director of the air carrier or the controlling person, as applicable, holds in the air carrier as at December 31. Column 2 shall reflect the class of capital stock, bonds, or other securities owned; column 3 shall reflect the number of shares of stock which are on record in the name of each officer and director; column 4 shall reflect the number of shares of stock owned or controlled by

each officer and director which are on record in the name of another person; column 5 shall reflect the principal amount of bonds or other debt securities held in the name of, or for the account of, each officer and director; column 6 shall reflect the class(es) of stock on which any options are held; and column 7 shall reflect the number of shares of such stock which could be purchased if the options were exercised. All other security interests that each officer and director has in the air carrier shall be reported as a footnote.

(h) In the "Compensation" section of this schedule, trunkline carriers and Pan American shall report in column 1 the name and title of each officer and/or director receiving compensation of $50,000 or more during the calendar year. All other carriers shall report the name and title of each officer and/or director receiving compensation of $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation and shall be reported in columns 2 through 4 for each officer and/or director individually listed in column 1. Columns 2 through 4 shall also reflect the aggregate compensation paid to the remaining officers and directors not individually listed in column 1. The number of remaining officers and directors shall be entered in column 1.

(i) Column 2 shall reflect the salaries earned during the year and paid currently; column 3 shall reflect all direct or indirect compensation other than salaries, such as bonuses, commissions, stock options, gifts, rewards, or directors' fees earned during the year and paid currently; and column 4 shall reflect any portion of salaries, bonuses or other compensation charged to expense during the year by the air carrier, but not paid currently because of an employment agreement or other agreements providing for future payments, i.e., deferred compensation contracts.

Schedule G–43—Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year.

(a) This schedule shall be filed by all route air carriers.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual, partnership, corporation, or other legal entity (other than directors, officers, and employees of the air carrier) earning compensation, including expense reimbursements, of $20,000 or more during the calendar year.

(d) Compensation and expenses to be reported in this schedule shall include fees, retainers, gifts, commissions, contributions, allowances for expenses or any form of payments or accruals amounting in the aggregate to $20,000 or more during the year. In addition to expense reimbursements paid or to be paid directly to the recipients reflected in column 1, this schedule shall include expenses incurred by the persons or firms named in column 1 which have been paid or are to be paid directly to vendors by the air carrier. Expenses to be reported in this schedule shall encompass payments and accruals such as for legal, medical, engineering, advertising, accounting, statistical, educational, or charitable purposes, but shall exclude payments and accruals for services which both as to their nature and amount may reasonably be regarded as ordinarily connected with the routine physical operation or maintenance of an air carrier, such as payments and accruals for rent of buildings or property, for heat, light, power, telegraph and telephone or, as applicable, payments or amounts to be paid to other carriers for interchange of equipment or settlement of interline traffic balances.

(e) All directors, officers, and supervisory or key personnel of the air carrier regardless of their location or expense classification, who are affiliated with any of the persons or firms listed on this schedule and the nature of such affiliations shall be fully disclosed as indicated at the bottom of the schedule.

Section 32—General Reporting Instructions

5. Amend Section 32—General Reporting Instructions, as follows:

A. By adding new Schedule A–2 and by changing the respective titles of Schedules G–42 and G–43 in the list in paragraph (a) titled "List of Schedules in CAB Form 41 Report" as follows:

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency
*	* * * *	*
A–1	* * *	
A–2	Controlling person's certification.	Annually.
B–1	* * *	
*	* * * *	*
G–41	* * *	
G–42	Security interests of all officers and directors and compensation paid to principal officers and directors.	Do.
G–43	Compensation and expenses of persons and firms (other than directors, officers, and employees) earning $20,000 or more during the calendar year.	Do.
G–44		
*	* * * *	*

B. By adding new Schedule A–2 to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report" as follows:

Due dates of schedules in CAB Form 41 report

Due date[1]	Schedule No.
* *	* * *
Mar. 1	* * *
Mar. 30	A–2, B–11, B–41, B–43, B–44, B–46, G–41, G–42, G–43, G–44, T–3.1.
Apr. 30	* * *
* *	* * *

Section 33—Certification and Balance Sheet Elements

6. Amend Section 33—Certification and Balance Sheet Elements as follows:

A. By inserting, following the reporting instructions for Schedule A–1 and preceding the reporting instructions for Schedule B–1, reporting instructions for Schedule A–2, to read as follows:

Schedule A–2—Controlling Person's Certification

(a) The certification of the controlling person's CAB Form 41 report shall be signed by an elective corporate officer, executive or director, or such other person as may be authorized by the controlling person to sign the certification, provided that a written authorization disclosing the individual's name and title is submitted to the Civil Aeronautics Board. Since corrections or revisions of reported data are a part of the report of the person controlling an air carrier, all correspondence relating to such matters shall be signed only by persons authorized to sign such certifications.

(b) The certification of the controlling person's Form 41 report, embodied in Schedule A–2 thereof, shall read as follows:

I, the undersigned_____

_____

(Title, if any, of person signing)

of the_____

(Full name of person controlling air carrier)

do certify that Schedules B–46 and G–42 which are submitted herewith for the above-indicated period have been prepared by me or under my direction, that I have carefully examined them, and that, to the best of my knowledge and belief, they are complete and accurate statements.

B. By revising the reporting instructions for Schedule B–46 to read:

Schedule B–46—Long-Term and Short-Term Non-Trade Debt

(a) This schedule shall be filed by each supplemental air carrier and each person controlling a supplemental air carrier, and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) of the air carrier or the person controlling the air carrier, as applicable, in excess of 5 percent of their respective total outstanding debt.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures," "Bank Notes," "Credit Agreement," etc. This column shall also reflect for each issue a brief description of the terms of payment and, where applicable, conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(e) Columns 2, 3 and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(f) Column 5 shall reflect the amount of bonds or other evidence of debt originally issued, as distinguished from the amount authorized.

(g) Column 6 shall reflect the face value or principal amount of debt securities issued or assumed which have not been retired or canceled, and are not payable within one year of the reporting date.

(h) Column 7 shall reflect the face value of all notes, drafts, acceptances or other similar evidences of indebtedness payable on demand or within one year, including the portion of long-term debt due within one year of the reporting date.

(i) For supplemental air carriers, the totals in columns 6 and 7 shall reflect the balances outstanding as at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(j) Columns 8 and 9 shall reflect the name and address of each person holding more than 5 percent of the issue or $500,000, whichever is smaller, and the amount held by each such person as at December 31.

7. Amend Section 36—General Corporate Elements, by revising the reporting requirements for Schedules G–42, and G–43 to read as follows:

Schedule G–42—Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors.

(a) This schedule shall be filed by each supplemental air carrier and each person controlling a supplemental air carrier.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) For purposes of preparing this schedule, *directors* are those individuals who comprise the Board of Directors of the air carrier or the controlling person, as applicable, and *officers* are those corporate officials who are elected or appointed by the Board of Directors of the air carrier or the controlling person, as applicable.

(e) Air carriers are required to complete columns 1 through 7 of the "Security Interests" section and columns 1 through 4 of the "Compensation" section of this schedule. Persons controlling an air carrier are required to complete only columns 1 through 7 of the "Security Interests" section.

(f) In the "Security Interests" section of this schedule, the required information shall be reported individually for each officer and director, and in the "Compensation" section of this schedule, the required information shall be reported individually for each officer receiving compensation of $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation.

(g) In the "Security Interests" section of this schedule, column 1 shall reflect the name and title of each officer and director, and columns 2 through 7 shall reflect the security interests that each officer and director of the air carrier or the controlling person, as applicable, holds in the air carrier as at December 31. Column 2 shall reflect the class of capital stock, bonds, or other securities owned; column 3 shall reflect the number of shares of stock which are on record in the name of each officer and director; column 4 shall reflect the number of shares of stock owned or controlled by each officer and director which are on record in the name of another person; column 5 shall reflect the principal amount of bonds or other debt securities held in the name of, or for the account of, each officer and director; column 6 shall reflect the class(es) of stock on which any options are held; and column 7 shall reflect the number of shares of such stock which could be purchased if the options were exercised. All other security interests that each officer and director has in the air carrier shall be reported as a footnote.

(h) In the "Compensation" section of this schedule, supplemental carriers shall report in column 1 the name and title of each officer and/or director receiving compensation of $35,000 or more per calendar year. "Compensation" includes basic saalry, bonuses and referred compensation and shall be reported in columns 2 through 4 for each officer and/or director individually listed in column 1. Columns 2 through 4 shall also reflect the aggregate compensation paid to the remaining officers and directors not individually listed in column 1. The number of remaining officers and directors shall be entered in column 1.

(i) Column 2 shall reflect the salaries earned during the year and paid currently; column 3 shall reflect all direct or indirect compensation other than salaries, such as bonuses, commissions, stock options, gifts, rewards, or directors' fees earned during the year and paid currently; and column 4 shall reflect any portion of salaries, bonuses or other compensation charged to expense during the year by the air carrier, but not paid currently because of an employment agreement or other agreements providing for future payments, i.e., deferred compensation contracts.

Schedule G–43—Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year.

(a) This schedule shall be filed by each supplemental air carrier.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual, partnership, corporation, or other legal entity (other than directors, officers, and employees of the air carrier) earning compensation, including expense reimbursements, of $20,000 or more during the calendar year.

(d) Compensation and expenses to be reported in this schedule shall include fees, retainers, gifts, commissions, contributions, allowances for expenses or any other form of payments or accruals amounting in the aggregate to $20,000 or more during the year. In addition to expense reimbursements paid or to be paid directly to the recipients reflected in column 1, this schedule shall include expenses incurred by the persons or firms named in column 1 which have been paid or are to be paid directly to vendors by the air carrier. Expenses to be reported in this schedule shall encompass payments and accruals such as for legal, medical, engineering, advertising, accounting, statistical, educational, or charitable purposes, but shall exclude payments for accruals for services which both as to their nature and amount may reasonably be regarded as ordinarily connected with the routine physical operation or maintenance of an air carrier, such as payments and accruals for rent of buildings or property, for heat, light, power, telegraph and telephone or, as applicable, payments or amounts to be paid to other carriers for interchange of equipment or settlement of interline traffic balances.

(e) All directors, officers, and supervisory or key personnel of the air carrier regardless of their location or expense classification who are affiliated with any of the persons or firms listed on this schedule and the nature of such affiliations shall be fully disclosed as indicated at the bottom of the schedule.

8. Amend CAB form 41 by adding new Schedule A–2, and by revising Schedules B–46, G–42, and G–43 as shown in Exhibits A, B, C, and D attached hereto [10] and incorporated herein as reference.

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

Effective: December 31, 1973.

Adopted: January 4, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES

Canned Corn; Order To Amend Standards of Identity, Quality and Fill of Container

In the matter of amending the definitions and standards of identity (21 CFR 51.20), quality (21 CFR 51.21), and fill of container (21 CFR 51.22) for canned corn:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of October 5, 1972 (37 FR 21112) based on a

[10] Filed as part of the original document.

proposal by the Commissioner of Food and Drugs to amend the United States standards for canned sweet corn in consideration of the "Recommended International Standard for Canned Sweet Corn."

In response thereto, comments were received from the Consumers Union, National Canners Association, Corn Refiners Association, Inc., and a producer of starch products used in canned sweet corn. Published elsewhere in this issue of the FEDERAL REGISTER is a second proposal by the Commissioner of Food and Drugs to further amend the U.S. identity standard for canned sweet corn in consideration of the "Recommended International Standard for Canned Sweet Corn."

Among the comments received in response to the October 5, 1972 proposal are the following:

1. It was recommended that standards be promulgated for filth in canned sweet corn and that quantitative defect levels be specified for such filth.

The Commissioner concludes that inclusion of such defects in the quality standard is unnecessary since a procedure for prescribing action levels for natural and unavoidable defects in foods, including canned sweet corn, has been established in § 128.10 (21 CFR 128.10) published in the FEDERAL REGISTER on January 5, 1973 (38 FR 854). A list of action levels for such defects in food for human use, adopted on a temporary basis pending further study, may be obtained from the office of the Assistant Commissioner for Public Affairs, Food and Drug Administration, Room 15–B–42, 5600 Fishers Lane, Rockville, MD 20852. As defect action levels in foods are adopted on a permanent basis, they will be listed in § 128.10.

2. A comment was made that the consumer is always deceived by the use of net weight, as the net weight does not afford the consumer any method for calculating the "true" cost per unit weight of the product. It was therefore recommended that it be mandatory for the drained weight to be stated on the label.

The Consumers Union filed a petition with the Food and Drug Administration on February 22, 1973, requesting mandatory label declaration of the drained weight in addition to net weight as presently required for various foods including canned sweet corn. The Food and Drug Administration is currently reviewing this petition, and a request for information has been published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33512). Label declaration of the drained weight is not required under any United States food standard. It is the opinion of the Commissioner that, pending a decision on the Consumers Union petition, canned corn should not be singled out for mandatory declaration of drained weight. However, this order provides, for the first time, minimum drained weight requirements for canned whole styles of corn.

3. The comment was made that the ingredient statement should specifically include mandatory declaration of food additives by names.

The order will require all optional ingredients whether or not they are food additives, to be declared by common name, in accordance with the labeling regulations in 21 CFR Part 1, except spices, flavorings or colorings which are permitted to be declared as such.

4. The comment was made that the label of each can of corn should contain the date of packing in clear language, readily understood by consumers in order to assure the consumer of the quality of the product.

In the opinion of the Commissioner, canned sweet corn should not be singled out for mandatory label declaration of the packing date. Any decision regarding label declaration of the date of packing should involve consideration of all foods.

5. The suggestion was made in a comment that the definition for canned sweet corn include at Latin term *"Zea mays L."* for corn to avoid confusion as to possible differences between the United States standards and the Codex standard.

The Commissioner recognizes that the name corn does not have the same meaning in all countries; for example, in England it refers to wheat and in Scotland to oats. The term *Zea mays L.*, in addition, includes sweet corn and field corn for which the United States has separate standards. The Commissioner has therefore concluded that the name "sweet corn" be defined as corn conforming to *Zea mays L.* having the sweet corn characteristics.

6. The comment was made that the proposed amendment to permit the use of "native" starch which may be physically or enzymatically modified would not allow for certain other modified starches that have long been used in cream style corn.

The Commissioner recognizes that such other modified starches should continue to be permitted as optional ingredients in cream style corn and the regulation has been modified accordingly.

7. It was requested that dextrose and glucose syrup (corn syrup) in their various forms be permitted as optional nutritive sweeteners.

The Commissioner concludes that any safe and suitable nutritive carbohydrate sweetener should be permitted as an optional ingredient.

8. It was suggested that margarine, asserted to be used in many other foods, be permitted as an optional seasoning ingredient in addition to butter which is presently allowed.

The Commissioner concludes that margarine should be permitted to be used interchangeably with butter with appropriate label designation in canned sweet corn.

9. Exception was taken to the proposed requirement that the term "in brine" or as an alternative "liquid pack" be stated on the label when whole kernel styles of pack contain more than 20 percent liquid. The basis for this exception was that the liquid or brine pack is the normally canned product and the vacuum pack is the exception, and that this labeling requirement would only confuse the consumer and suggest that the product is not the normal one but contains excessive or unusual amounts of brine or liquid.

In the opinion of the Commissioner, identification of whole kernel corn products that contain more than 20 percent liquid as "in brine" or "liquid pack" and the products packed under conditions creating a high vacuum and containing not more than 20 percent liquid as "vacuum pack" or "vacuum packed" is necessary to provide the consumer with a ready means of distinguishing between the two types of pack. The Commissioner concludes that such designation shall be a part of the name as set forth in the proposal.

10. The Codex standard references the Codex "Sampling Plans for Prepackaged Foods, 1969," that were developed by the Codex Committee on Processed Fruits and Vegetables and are being considered by the Codex Committee on Sampling and Analysis. The Codex sampling plans, although included in the Codex standard, have not reached the final step of development and therefore may be subject to further modification.

Support was received regarding the concept of statistical sampling; however, it was recommended in a comment received that a sampling plan should not be included in this standard since the Codex Commission has not agreed upon a sampling plan. It was argued that promulgating a sampling plan at this time, prior to the establishment of the Codex plan, would accomplish no useful purpose and in all likelihood would require later amendment to conform with the eventual Codex requirement.

In the opinion of the Commissioner, the proposed sampling plan is reasonable and acceptable for use in the standards. There is no sound reason for waiting until the Codex Commission recommends sampling plans for use as part of the individual food standards. The Commissioner concludes that the sampling plans as proposed should be a part of the standards.

11. One comment opposed the establishment of a minimum drained weight requirement for whole kernel canned corn as impractical and not reasonably related to the basic objective of the standard—the achievement of adequate fill of container and the elimination of nonfunctional slack fill. The comment further noted that the U.S. delegation to the Codex Commission opposed the minimum drained weight provision in the Codex standard on the ground that it was unenforceable.

The Commissioner recognizes that the United States Department of Agriculture has in effect the "United States Standards for Grades of Canned Whole Kernel or Whole Grain Corn" and that 61 percent is the lowest recommended drained

weight for grade A corn listed in the standard. The Commissioner further recognizes that the drained weight is routinely determined under the USDA voluntary grading program and where a lot does not meet the recommended drained weight, it is so declared on the inspectional reports. It is the understanding of the Commissioner of Food and Drugs that the United States opposition to the Codex drained weight provision was based on the ground that drained weight is dependent upon the maturity of the corn and that any drained weight provision that would require a certain amount of very young succulent corn to be present must also recognize that it will take a lesser amount of mature corn to achieve the same drained weight requirement.

The Commissioner concludes that adoption of a 61 percent minimum drained weight requirement, the minimum requirement in the USDA standards, is practical and related to the establishment of a minimum fill of container requirement for whole kernel corn under section 401 of the Federal Food, Drug, and Cosmetic Act.

12. One comment stated that a drained weight requirement must take into consideration the packing of young succulent corn by not requiring the cans to be overfilled to meet an unreasonably high drained weight requirement, even though lower quality, more mature corn could be slack-filled by the same requirement.

The Commissioner recognizes that the more mature the corn, the more liquid will be absorbed during the processing causing the drained weight to be greater than the put-in weight. The Commissioner also recognizes that young corn, which is considered the most succulent and highest quality, will lose moisture on processing and storage resulting in a decrease in drained weight. The Commissioner concludes that 61 percent represents a reasonable minimum drained weight requirement for whole kernel corn irrespective of the maturity or size of container.

14. The requirements for label declaration have been revised to require the name of the food to include a declaration of any flavoring that characterizes the product as specified in § 1.12 (21 CFR 1.12) published in the December 3, 1973 issue of the FEDERAL REGISTER (38 FR 33284). The name of the food, in addition, shall include a declaration of any spice, seasoning or garnishing ingredient that characterizes the product. The Codex standard requires the name of the product to include a declaration of any seasoning which characterizes the product as e.g. "with _____", when appropriate. 21 CFR Part 1 labeling regulations apply to all standardized as well as nonstandardized food except where the standard specifies otherwise, and thus a simple cross reference to § 1.12 is included for purposes of completeness.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standards of identity, quality and fill of container for canned sweet corn as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 51 be amended as follows:

1. By revising § 51.20 to read as follows:

§ 51.20 Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.

(a) *Definition.* Canned sweet corn is the product prepared from clean, sound kernels of sweet corn packed with a suitable liquid packing medium which may include water and the creamy component from corn kernels. The tip caps are removed. The product is of the optional styles specified in paragraph (b) of this section. It may contain one, or any combination of two or more, of the optional ingredients set forth in paragraph (c) of this section. Such food is processed by heat, in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage.

(b) *Styles.* The optional styles referred to in paragraph (a) of this section consist of succulent sweet corn of the yellow (golden) or white color type, or mixtures of these, conforming to *Zea mays L.* having the sweet corn characteristic as follows:

(1) Whole kernel or whole grain or cut kernel consisting of whole or substantially whole cut kernels packed with a liquid medium.

(2) Cream style consisting of whole or partially whole cut kernels packed in a creamy component from the corn kernels and other liquid or other ingredients to form a product of creamy consistency.

(3) Fritter consisting of pieces of the inner portion of the corn kernel substantially free from hull.

(4) Ground consisting of ground kernels from which the hulls have not been separated.

(5) Evaporated consisting of cut and cooked kernels from which most of the moisture has been evaporated.

(c) *Optional ingredients.* The following safe and suitable optional ingredients may be used:

(1) Salt.
(2) Monosodium glutamate.
(3) Disodium inosinate.
(4) Disodium guanylate.
(5) Hydrolyzed vegetable protein.
(6) Autolyzed yeast extract.
(7) Nutritive carbohydrate sweeteners.
(8) Spice.
(9) Flavoring (except artificial).
(10) Citric acid.
(11) Starch in cream style corn when necessary to insure smoothness.
(12) Seasonings and garnishes.
(i) Mint leaves.
(ii) Pieces of green peppers or red peppers, or mixtures of both, either of which may be sweet or hot and may be dried, or other vegetables, not exceeding 15 percent by weight of the finished food.
(iii) Lemon juice or concentrated lemon juice.
(iv) Butter or margarine in a quantity not less than 3 percent by weight of the finished food. When butter or margarine is added, emulsifiers or stabilizers, or both, may be added. When butter or margarine is added, no spice, or flavoring simulating the color or flavor imparted by butter or margarine is used.

(d) *Labeling.* The name of the food is "corn" or "sweet corn" or "sugar corn" and shall include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice, seasoning or garnishing that characterizes the product; for example, "With Added Spice", "Seasoned with Red Peppers", "Seasoned with Butter". The name of the food shall also include the following:

(1) The optional style of the corn ingredient as specified in paragraph (b) of this section.

(2) The words "vacuum pack" or "vacuum packed" when the corn ingredient is as specified in paragraph (b)(1) of this section and the weight of the liquid in the container, as determined by the method prescribed in § 51.21(b)(1), is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container.

(3) The words "in brine" or "liquid pack" when the weight of the liquid in the container exceeds 20 percent of the net weight.

(4) The color type used, "white", "yellow", or "golden", "white and yellow" or "white and golden" when the white color type predominates, and "yellow and white" or "golden and white", when the yellow color type predominates.

(e) *Ingredient statement.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. By revising § 51.21 to read as follows:

§ 51.21 Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.

(a) The standard of quality for canned corn is as follows:

(1) When tested by the method prescribed in paragraph (b) of this section, canned corn in which the corn ingredient is whole-kernel corn (§ 51.20(b)(1)) or evaporated corn (§ 51.20(b)(5)):

(i) Contains not more than seven brown or black discolored kernels or pieces of kernel per 400 g. (14 ounces) of drained weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 400 g. (14 ounces) of drained weight;

(iii) Contains not more than 7 square centimeters (1.1 square inch) of husk

per 400g. (14 ounces) of drained weight; and

(iv) Contains not more than 180 mm. (7 inches) of silk per 28 g. (1 ounce) of drained weight.

(2) When tested by the method prescribed in paragraph (c) of this section, canned corn in which the corn ingredient is fritter corn (§ 51.20(b)(3)), ground corn (§ 51.20(b)(4)), or cream style corn (§ 51.20(b)(2)):

(i) Contains not more than 10 brown or black discolored kernels or pieces of kernel per 600 g. (21.4 ounces) of net weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob per 600 g. (21.4 ounces) of net weight;

(iii) Contains not more than 7 square centimeters (1.1 square inch) of husk per 600 g. (21.4 ounces) of net weight;

(iv) Contains not more than 150 mm. (6 inches) of silk for each 28 g. (1 ounce) of net weight; and

(v) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 30.5 cm. (12 inches), except that, in the case of cream-style corn the washed drained material of which contains more than 20 percent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 25.4 cm. (10 inches).

(3) (i) The weight of the alcohol-insoluble solids of whole-kernel corn (§ 51.20(b)(1)) does not exceed 27 percent of the drained weight, when tested by the method prescribed in paragraph (b) of this section.

(ii) The weight of the alcohol-insoluble solids of the washed drained material of cream style corn (§ 51.20(b)(2)) does not exceed 27 percent of the drained weight of such material, when tested by the method prescribed in paragraph (c) of this section.

(b) The method referred to in paragraph (a) of this section for testing whole-kernel corn (§ 51.20(b)(1)) and evaporated corn (§ 15.20(b)(5)) is as follows:

(1) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of a U.S. No. 8 circular sieve which has previously been weighed. The diameter of the sieve is 20.3 cm. (8 inches) if the quantity of the contents of the container is less than 1.36 kg. (3 pounds), and 30.5 cm. (12 inches) if such quantity is 1.36 kg. (3 pounds) or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such sieve set forth in the "Definitions of Terms and Explanatory Notes," page xviii, of the "Official Methods of Analysis of the Association of *Official* Analytical Chemists," 11th edition, 1970.[1] Without shifting the material on the sieve, so incline the sieve at approximately 17–20° angle to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in g. (ounces), the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 400 g. (14 ounces) of drained material. Remove pieces of silk more than 12.7 mm. (one-half inch) long, husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 28 g. (1 ounce) of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 400 g. (14 ounces) of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 400 g. (14 ounces) of drained weight.

(3) If the corn is whole kernel (§ 51.20(b)(1)), comminute a representative 100 g. sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i.e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 g. a portion of the comminuted material equivalent to approximately 10 g. of the drained corn into a 600 cubic centimeter beaker. Add 300 cubic centimeters of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend 12.7 mm. (one-half inch) or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 g. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 g. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this section for testing fritter corn (§ 51.20(b)(3)), ground corn (§ 51.20(b)(4)), and cream-style corn (§ 51.20(b)(2)) is as follows:

(1) Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 510 g. (18 ounces) determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 510 g. (18 ounces)). Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 7.62 cm. (3 inches), inside top diameter of 5.08 cm. (2 inches), and height of 12.30 cm. ($4\frac{27}{32}$ inches). As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

(2) Transfer the material from the plate, cone, and pan onto an U.S. No. 8 sieve as prescribed in paragraph (b)(1) of this section. The diameter of the sieve is 20.3 cm. (8 inches) if the quantity of the contents of the container is less than 1.36 kg. (3 pounds), and 30.5 cm. (12 inches) if such quantity is 1.36 kg. (3 pounds) or more. Set the sieve in a pan. Add enough water to bring the level within 9.53 mm. (three-eighths inch) to 6.35 mm. (one-fourth inch) of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

(3) From the material remaining on the U.S. No. 8 sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 600 g. (21.4 ounces) of net weight. Remove pieces of silk more than 12.7 mm. (one-half inch) long, husk, cob, and other material which is not corn (i.e., peppers). Measure aggregate length of such pieces of silk and calculate the length per 28 g. (ounce) of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 600 g. (21.4 ounces) of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 600 g. (21.4 ounces) of net weight. If the corn is cream-style corn (§ 51.20(b)(2)). Take a representative 100 g. sample of the material remaining on the U.S. No. 8 sieve (if such material weighs less than 100 g. take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b)(3) of this section for whole kernel corn.

(d) Sampling and acceptance procedure. A lot is to be considered acceptable

when the number of "defectives" does not exceed the acceptance number in the sampling plans given in subparagraph (2) of this paragraph.

(1) Definitions of terms to be used in the sampling plans in subparagraph (2) of this paragraph are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality (paragraph (a) of this section) and fill of container (§ 51.22) standards are present in excess of the stated tolerances.

(vi) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

ACCEPTABLE QUALITY LEVEL 6.5

Lot size (Primary Containers)	Size of container	
	Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	*c*
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19

Lot size (Primary Containers)	Size of container	
	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n	*c*
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
	Net weight greater than 4.5 kilograms (10 pounds)	
	n	*c*
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

n = number of primary containers in sample.
c = acceptance number.

(e) If the quality of canned corn falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned corn falls below standard with respect to only one of the factors of quality specified by subdivisions (i) to (iv) of paragraph (a) (1) of this section, or by subdivision (i) to (v) of paragraph (a) (2) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade," a new line as specified after the corresponding subdivision designation of paragraph (a) of this section, which the canned corn fails to meet:

(1) (i) or (2) (i) "Excessive discolored kernels."
(1) (ii) or (2) (ii) "Excessive cob."
(1) (iii) or (2) (iii) "Excessive husk."
(1) (iv) or (2) (iv) "Excessive silk."
(2) (v) "Excessively liquid."

3. By revising § 51.22 to read as follows:

§ 51.22 Canned corn, canned sweet corn, canned sugar corn; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned corn is:

(1) Except in the case of vacuum pack corn the fill of the corn ingredient and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) In whole kernel corn, the drained weight of the corn ingredient, as determined by sections 32.001 and 32.002 *Canned Products—Drained Weight—Procedure*, in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970, page 559, shall not be less than 61 percent of the water capacity of the container.

(b) (1) A container that falls below the requirement for minimum fill prescribed in paragraph (a) (1) of this section is considered a "defective." The food will be deemed to fall below the standard of fill when the number of defectives exceeds the acceptance number (c) in the sampling plans prescribed in § 51.21(d).

(2) Whole kernel will be deemed to fall below the standard of fill when the average drained weight of all of the containers examined according to the sampling plans prescribed in § 51.21(d) is less than that prescribed in paragraph (a) (2) of this section.

(c) If canned corn falls below the standard of fill of container prescribed in paragraphs (a) and (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Any person who will be adversely affected by the foregoing order may at any time on or before March 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on April 16, 1974, and all labeling ordered after March 15, 1974, and all products shipped in interstate commerce after December 31, 1974, shall comply with this regulation except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371))

Dated: February 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-3652 Filed 2-14-74;8:45 am]

PART 45—MARGARINE; OLEOMARGARINE

Order Revising Margarine Standard and Revoking Existing Liquid Margarine Standard; Confirmation of Effective Date

In the matter of amending 21 CFR Part 45, by revising the standard for margarine (21 CFR 45.1) and revoking the existing standard for liquid margarine (21 CFR 45.2) with respect to the recommended international Codex standard:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed in response to the order, in the matter identified above, which was published in the FEDERAL REGISTER of September 14, 1973 (38 FR 25671). Accordingly, the amendments promulgated by that order will become effective as follows: Compliance with the order, which shall include any labeling changes required, may begin immediately, and all labeling ordered after March 15, 1974, and all products shipped

in interstate commerce after December 31, 1974, shall comply with these regulations.

Dated: January 30, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-3751 Filed 2-14-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COPOLYMER CONDENSATES OF ETHYLENE OXIDE AND PROPYLENE OXIDE

The Commissioner of Food and Drugs having evaluated data in a petition (FAP 7J2178) filed by BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte, MI 48192, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of α-hydro-*omega*-hydroxy-poly(oxyethylene) poly(oxypropylene) (51–57 moles) poly(oxyethylene) block copolymer as a dough conditioner in yeast-leavened bakery products.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1235 is amended by adding new paragraphs (a)(4) and (b)(4), to read as follows:

§ 121.1235 Copolymer condensates of ethylene oxide and propylene oxide.

* * * * *

(a) * * *

(4) α-Hydro-*omega*-hydroxy-poly(oxyethylene) poly(oxypropylene)-(51–57 moles) poly(oxyethylene) block copolymer, having an average molecular weight of 14,000 and a cloud point above 100° C. in 1 percent aqueous solution.

(b) * * *

(4) The additive identified in paragraph (a)(4) of this section is used as a dough conditioner in yeast-leavened bakery products for which standards of identity established under section 401 of the act do not preclude such use, provided that the amount of the additive does not exceed 0.5 percent by weight of the flour used.

Any person who will be adversely affected by the foregoing order may at any time on or before March 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on February 15, 1974.

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

Dated: February 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-3750 Filed 2-14-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

2,4-Dichlorophenyl p-Nitrophenyl Ether

In responses to a petition (PP 3E1363) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Hawaii, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of December 28, 1973 (38 FR 35494), proposing establishment of a tolerance for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on the raw agricultural commodity taro (corm) at 0.02 part per million. No comments or requests for referral to an advisory commitee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.223 is amended by adding a new paragraph, "0.02 part per million * * *" after the paragraph, "0.05 part per million * * *" as follows:

§ 180.223 2,4-Dichlorophenyl *p*-nitrophenyl ether; tolerances for residues.

* * * * *

0.02 part per million in or on taro (corm).

Any person who will be adversely affected by the foregoing order may at any time on or before March 18, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 15, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: February 12, 1974.

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

[FR Doc.74-3794 Filed 2-14-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDEPAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–138]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.5—GSA Procurement Programs

INTERIOR PLANNING AND DESIGN SERVICES

The interior planning and design services in GSA have been transferred from the Federal Supply Service to the Public Buildings Service. This regulation provides guidance to Federal agencies for obtaining assistance from the Public Buildings Service for reimbursable interior planning and design services.

1. Section 101–26.505–7 is revised to read as follows:

§ 101–26.505–7 GSA assistance in selection of furniture and furnishings.

The Procurement Division in each GSA regional office will, upon request, furnish agencies with complete information on the types, styles, finishes, coverings, and colors of office and household furniture and furnishings available through the GSA purchase program. (See § 101–26.506.)

2. Section 101–26.506 is revised to read as follows:

§ 101–26.506 Interior planning and design services.

In addition to the assistance provided in selection of furniture and furnishings as specified in § 101–26.505–7, the GSA Public Buildings Service, through facilities in the GSA Central Office, will assist Federal activities within the United States (including Hawaii and Alaska) and overseas in various phases of interior planning and design. These services will be provided either directly or through commercial sources. (For services involving space layout, see § 101–20.404.)

3. Section 101–26.506–1 is revised to read as follows:

§ 101–26.506–1 Types of service.

The Public Buildings Service will assist Federal agencies on any project by providing architectural floor plans, scaled drawings, and finishes for installed materials; visual presentations (samples and photographs); and a package of procurement data, including prices and all information necessary for purchase. The items specified will be selected from approved GSA sources of supply.

4. Section 101–26.506–3 is revised to read as follows:

§ 101–26.506–3 Submission of requests.

Requests for interior planning and design services shall be forwarded to the General Services Administration (PW), Washington, DC 20405, and shall include the following information:

(a) Type of space in terms of its use;

(b) Floor plans if available;

(c) Occupancy date;

(d) Amount of funds available for project (agency budget); and

(e) Name, title, address, and telephone number of requesting official.

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

Effective date. This regulation is effective on February 15, 1974.

Dated: February 8, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–3764 Filed 2–14–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 35129 (Sub-No. 2)]

PART 1240—CLASSES OF CARRIERS

PART 1249—REPORTS OF MOTOR CARRIERS

Quarterly Financial Reports of Motor Carriers of Property

Consideration having been given to the matters and things involved in this proceeding, and the said Division, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof;

It is ordered, That, effective January 1, 1974, Parts 1240 and 1249 of Chapter X of Title 49 of the Code of Federal Regulations be, and they are hereby, revised.

It is further ordered, That service of this order shall be made on all affected motor carriers of property, the Public Utility Commissions or Boards of each state having jurisdiction over transportation, and that notice of this order shall be given to the general public by depositing a copy in the Office of the Commission's Secretary at Washington, D.C. (including a copy of the QFR), and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(Secs. 204 and 220, 49 Stat. §§ 546, as amended, and 563, as amended; 49 U.S.C. §§ 304 and 320)

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

1. Section 1240.5, paragraphs (a) and (b), are revised as follows:

§ 1240.5 Classes of motor carriers of property.

(a) For purposes of accounting and reporting regulations, *except those regulations pertaining to accounting and reporting for revenue and expense items,* common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I: Carriers having average annual gross carrier operating revenues (including interstate and intrastate) of $3 million or more from property motor carrier operations.

Class II: Carriers having average annual gross carrier operating revenues (including interstate and intrastate) of $500,000 but less than $3 million from property motor carrier operations.

Class III: Carriers having average annual gross carrier operating revenues (including interstate and intrastate) of less than $500,000 from property motor carrier operations.

(b)(1) For purposes of accounting and reporting regulations pertaining to revenue and expense items, the revenues of common and contract carriers of property subject to the Interstate Commerce Act are categorized as follows:

Revenues from household goods operations.
Revenues from other than household goods operations.

Each category of revenue is then classified in accordance with dollar revenue limits prescribed in the three classes in (a). When a carrier has both household goods revenues, and other than household goods revenue, each category will be classified to determine the accounting and reporting regulations which pertain to that category.

(2) If a carrier, grouped as Class I or Class II carrier in accordance with paragraph (a) of this section, has operations in both categories, and one of the categories is classified as Class III in paragraph (b)(1) of this section, such revenues and expenses will be accounted and reported for in accordance with the regulations pertaining to the Class I or Class II category.

(3) If a carrier, grouped as Class II in accordance with paragraph (a) of this section, has operations in both categories and both categories are grouped as Class III in accordance with paragraph (b)(1) of this section, such revenues and expenses will be accounted and reported for in accordance with the regulations pertaining to the category with the largest average annual gross carrier operating revenues.

(4) The class to which any carrier belongs shall be determined by the average of its annual gross carrier operating revenues derived from motor carrier operations as a property carrier for the past three consecutive years.

(5) The class to which any category of carrier revenues and expenses belongs shall be determined by the average of its annual gross carrier operating revenues derived from that category of motor carrier operations (household goods operations and other than household goods operations) for the past three consecutive years.

(6) If, at the end of any calendar year, the average of a carrier's annual gross carrier operating revenues from all motor carrier operations, from household goods operations, or from other than household goods operations, for the last three consecutive years is greater than the maximum or less than the minimum of the class in which the carrier, or the revenue category, has been previously grouped, it shall automatically be grouped in the higher or lower class in which it falls because of such increased or decreased average annual gross carrier operating revenues, and it shall notify the Commission of the change in its status. Any carrier which begins new operations (by obtaining additional operating rights), or is regulated by a classification method not previously employed, will be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

* * * * *

2. Section 1249.12 is revised as follows:

§ 1249.12 Quarterly Financial Reports.

Commencing with reports for the quarter ending March 31, 1974, and for subsequent quarters thereafter, until further order, all class I and class II common and contract motor carriers of property as defined in § 1240.5 of this chapter, subject to part II of the Interstate Commerce Act, shall compile and file quarterly financial reports in accordance with the Quarterly Results of Operations Form QFR. Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

§ 1249.13 [Deleted]

3. Section 1249.13, "Quarterly reports of revenues, expenses, and statistics—Class I common carriers of general freight." is deleted.

§ 1249.14 [Deleted]

4. Section 1249.14, "Quarterly reports of Class II carriers of property." is deleted.

[FR Doc.74–3787 Filed 2–14–74;8:45 am]

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–85]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions Under Emergency Highway Energy Conservation Act

The purpose of this amendment is to delegate to the Federal Highway Admin-

istrator functions vested in the Secretary by the Emergency Highway Energy Conservation Act (January 2, 1974, Pub. L. 93-239).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (c) of § 1.48 of Part 1 of Title 49 of the Code of Federal Regulations is amended by adding a new subparagraph (15), to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(c) * * *

(15) The Emergency Highway Energy Conservation Act (Pub. L. 93-239), except sections 3 (e) and 4.

(Sec. 9(e), Department of Transportation Act, (49 U.S.C. 1657(e)))

Effective date: This amendment is effective January 24, 1974.

Issued in Washington, D.C., on February 8, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-3723 Filed 2-14-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-252]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

Part 207, § 207.256(b) of Title 24 of the Code of Federal Regulations is amended to correct an erroneous reference. The amendment is as follows:

In 24 CFR 207.256(b), change the reference to "207.255(b)" to read "207.255 (a)(2)".

(Sec. 7(d) of the Department of Housing and Urban Development Act; 42 U.S.C. 3535(d)).

Effective date. This amendment is effective as of February 14, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74-3763 Filed 2-14-74;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-195]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Alabama	Montgomery	Montgomery, city of.				Feb. 12, 1974, Emergency.
Minnesota	Dakota	Lakesville, village of.				Do.
Do	Mower	Adams, city of				Do.
Missouri	Pike	Bowling Green, city of.				Do.
Nebraska	Gage	Beatrice, city of				Do.
Nevada	Douglas	Unincorporated areas.				Do.
New York	Herkimer	Herkimer, village of.				Do.
North Carolina	Iredell	Statesville, city of				Do.
Pennsylvania	Lehigh	Upper Macungie, township of.				Do.
South Carolina	Greenville	Unincorporated areas.				Do.
Washington	Grays Harbor	Ocean Shores, city of.				Do.
Wisconsin	Milwaukee	Wauwatosa, 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, Pub. L. 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: February 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3702 Filed 2-14-74;8:45 am]

[Docket No. FI-196]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Alabama	Morgan	Hartselle, city of				Feb. 11, 1974, Emergency.
Illinois	Madison	Venice, city of				Do.
Do	Rock Island	Hillsdale, village of.				Do.
Do	Whiteside	Erie, village of				Do.
Louisiana	St. James Parish	Gramercy, town of.				Feb. 4, 1974, Emergency.
Minnesota	Kittson	Unincorporated areas.				Feb. 11, 1974, Emergency.
Do	Brown	New Ulm, city of				Do.
New Mexico	Sierra	Williamsburg, village of.				Do.
New Jersey	Monmouth	Hazlet, township of.				Do.
Ohio	Cuyahoga	Avon Lake, city of.				Do.
South Carolina	Cherokee	Gaffney, city of				Do.
Virginia	Appomattox	Unincorporated areas.				Do.
Do	Scott	do				Do.
West Virginia	Jackson	Ripley, city of				Do.
Wisconsin	Milwaukee	South 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, Pub. L. 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: February 6, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74-3703 Filed 2-14-74;8:45 am]

[Docket No. FI-197]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Alabama	Pickens	Aliceville, city of				Feb. 8, 1974, Emergency.
New Hampshire	Sullivan	Claremont, city of.				Do.
New York	Steuben	Savona, village of				Do.
North Carolina	Hyde	Unincorporated areas.				Do.
Tennessee	Bedford	Shelbyville, city of.				Do.
Wisconsin	Rock	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, Pub. L. 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: February 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3704 Filed 2-14-74;8:45 am]

[Docket No. FI-198]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). 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
*	*	*	*	*	*	*
Georgia	Muscogee	Columbus, city of				June 19, 1970. Emergency. Mar. 1, 1974. Suspension.
Massachusetts	Norfolk	Norfolk, town of				July 10, 1970. Emergency. Mar. 1, 1974. Suspension.
Ohio	Lucas	Toledo, city of				Jan. 18, 1970. Emergency. Mar. 1, 1974. Suspension.

(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, Pub. L. 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: February 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3705 Filed 2-14-74;8:45 am]

[Docket No. FI-199]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Massachusetts	Dukes	Oak Bluffs, town of.				Feb. 6, 1974. Emergency.
Minnesota	Grant	Unincorporated areas.				Do.
Do	Norman	do				Do.
Do	Scott	Prior Lake, City of.				Do.
Mississippi	Monroe	Aberdeen, city of.				Jan. 31, 1974. Emergency.
Oregon	Union	Lagrande, city of.				Feb. 6, 1974. Emergency.
Do	Jackson	Shady Cove, city of.				Do.
Pennsylvania	Beaver	Harmony, township 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, Pub. L. 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: February 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3706 Filed 2-14-74;8:45 am]

[Docket No. FI-200]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Idaho	Bannock	Pocatello, city of.				Feb. 7, 1974, Emergency.
Illinois	Henry	Unincorporated areas.				Do.
Do.	Cook	Northlake, city of.				Do.
Missouri	Macon	Macon, city of				Do.
New Jersey	Atlantic	Egg Harbor, township of.				Do.
Oregon	Clatsop	Unincorporated areas.				Do.
Virginia	Amherst	Amherst, 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, Pub. L. 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: February 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-3707 Filed 2-14-74;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1207—SENIOR COMPANIONS PROGRAMS

By virtue of the authority vested in me by sections 211(b), 402(14) and 420 of the Domestic Volunteer Service Act of 1973, P.L. 93-113, 87 Stat. 402, 407, 414, I hereby prescribe regulations which will appear as title 45, Chapter XII, Part 1207, of the Code of Federal Regulations. This provides for the Senior Companion Program which engages low-income persons 60 or over in providing supportive services to persons other than children having exceptional needs. In that material contained herein is a matter relating to interpretative rules and grants, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. Pursuant to section 420 of P.L. 93-113, ACTION regulations are effective March 18, 1974.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, or suggestions to the Director of ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525, Attention: Deputy Associate Director, Older Americans Volunteer Programs. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, part 1207 as set forth herein shall remain in effect.

In consideration of the foregoing, Chapter XII of title 45 of the Code of Federal Regulations is amended, effective March 18, 1974 as follows:

Subpart A—General

Sec.
1207.1-1 Introduction.
1207.1-2 Definitions.

Subpart B—Local Program Sponsors

1207.2-1 Eligibility and funding.
1207.2-2 Grant application.
1207.2-3 State Agency on Aging and Community Action Agency participation.
1207.2-4 Responsibilities.
1207.2-5 Local program staff.

Subpart C—Program Description

1207.3-1 Introduction.
1207.3-2 Volunteer stations.
1207.3-3 Activities.
1207.3-4 Memorandum of understanding.
1207.3-5 Advisory Council.

Subpart D—Volunteers

1207.4-1 Eligibility.
1207.4-2 Recruitment and instruction.
1207.4-3 Terms of service.

Subpart E—General

1207.5-1 Coordination.
1207.5-2 Grant awards.
1207.5-3 Grant conditions.
1207.5-4 Program changes.
1207.5-5 Special legal limitations.

AUTHORITY: Sections 211(b), 402(14) and 420 of Pub. L. 93-113, 87 Stat. 402, 407, and 414.

Subpart A—General

§ 1207.1-1 Introduction.

(a) Section 211(b), Part B, of the Domestic Volunteer Service Act of 1973, P.L. 93-113, 87 Stat. 402, authorizes the Director of ACTION to make grants or contracts to develop and operate Older American Community Service Programs. The purpose of these programs is to create part-time volunteer community service opportunities with stipends for low-income persons, age 60 or over, to provide supportive person-to-person services to persons, other than children, having exceptional needs. Such services are provided in health, education, welfare and related settings.

(b) This program will be referred to throughout these rules and regulations and for all other purposes as the Senior Companion Program.

(c) These regulations concern only grants because the contract format will not be used in the development and operation of local programs.

§ 1207.1-2 Definitions.

As used in this subpart the terms "ACTION" or "ACTION office" include each Regional Office.

Subpart B—Local Program Sponsors

§ 1207.2-1 Eligibility and funding.

ACTION shall make grants only to public and nonprofit private agencies and organizations. Such agencies and organizations must be legal entities, such as non-profit corporations or incorporated associations. These grants can be made to pay up to 90 percent of the costs of development and operation of community service programs designed to carry out the purpose of this Part. In exceptional situations, the Director of ACTION may

approve assistance for more than 90 percent of such costs. A local program must meet one or more of the following criteria to be eligible to receive grant assistance for more than 90 percent of costs:

(a) The program is located in an area where non-Federal resources are too limited to provide 10 percent of the total program cost. This may be due to short or long-term conditions of poverty in an area where there is a serious need for the program.

(b) The program is located in an area where an emergency situation exists, such as a county or state which has been declared a disaster area and there is a serious need for the program.

(c) A demonstration program determined to be of exceptional value, sufficient to warrant Federal support in excess of 90 percent of total project cost.

(d) Volunteer stations as defined in § 1207.3–2 shall not be sponsors.

§ 1207.2–2 Grant application.

Any eligible agency or organization may file an application for a grant with ACTION. Grant application forms may be obtained from any ACTION Office. The grant application is designed to provide ACTION with information needed to evaluate an applicant's capacity to develop and operate a program. The application must contain a proposed budget in appropriate categories, including necessary administrative and operational costs and such direct benefits to volunteers as stipends, accident insurance, transportation, meals, physical examinations, and other related benefits. The application shall identify the location, objectives and plan of the program and include copies of agreements or contracts related to the program, staff position descriptions, qualifications of principal staff members, and such other pertinent information as the Director may require.

§ 1207.2–3 State Agency on Aging and Community Action Agency participation.

Under certain circumstances, State Agencies on Aging under section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)) and Community Action Agencies (CAA's) under Title II of the Economic Opportunity Act, as amended, must be offered a reasonable opportunity to apply for a grant or must be consulted in the development of the local program.

(a) *State Agencies on Aging.* (1) When a program is proposed to be carried out throughout a State or in an area more comprehensive than one community, the appropriate State Agency on Aging must be afforded a reasonable opportunity to apply for and receive the grant and to administer or supervise the administration of the program. The State Agency on Aging will be considered to have received a reasonable opportunity: If it has not submitted a grant application to ACTION within 45 days of receiving notice from ACTION that another organization has applied for a grant, or if it has waived its opportunity in writing.

(2) ACTION shall notify the applicable State agency in writing or by telegram that it is considering awarding a grant. This will enable the agency to consider applying for such an award within the 45-day period. The assurances referred to in the paragraph (a)(4) of this section will constitute a written waiver.

(3) If both a State Agency on Aging and another organization apply for the same grant, the decision to award the grant to the other organization must be based on a clear written statement that the application and a review of the prospective sponsor's qualifications indicate it will carry out the program more effectively.

(4) Where the State agency is not the grantee, applications for local programs must contain satisfactory written assurances that the program has been developed, and will, to the extent appropriate, be conducted in consultation with, or with the participation of the appropriate State Agency on Aging. A letter in the grant application from the appropriate State Agency on Aging containing the following information constitutes such an assurance: (i) The program has been developed with assistance of the State agency and (ii) will be, to the extent appropriate, conducted in consultation with it.

(b) *Community Action Agency.* Where a program is proposed to be undertaken entirely in a community served by a CAA, the procedure described in paragraph (a) of this section shall be followed except that requirements relating to the State Agency on Aging shall be related instead to the CAA.

(c) Except for new grant applicants in connection with paragraph (a) of this section, no new grant application shall be awarded unless the State Agency on Aging has been afforded at least 45 days in which to review the application and to make recommendations thereon. The grant application shall include a written statement from the applicable State Agency on Aging to the effect: (1) It has waived its right to comment on the program, or (2) it supports or rejects the program and its reasons therefor.

§ 1207.2–4 Responsibilities.

(a) The Sponsor will be responsible for the programmatic and fiscal aspects of the program. These responsibilities include:

(1) Selection and employment of a Program Director.

(2) Development of opportunities for volunteer service at or through volunteer stations.

(3) Recruitment, selection, and training of Senior Companions.

(4) Orientation of volunteer station staff to the use of volunteers before and, as appropriate, during their period of assignment.

(5) Payment of volunteer stipends and arrangement of transportation and, when possible, meals for volunteers.

(6) Provision of non-Federal cost sharing support of at least 10 percent of the costs of the program.

(7) Submission of such records, including programmatic and fiscal reports to ACTION, as it may require.

(8) Arrangement for appropriate recognition of volunteers for their services to the community.

(9) Adherence to ACTION's regulation, policies, and procedures concerning or affecting the program.

(10) The sponsor may contract, or otherwise arrange, with other organizations for services to help the sponsor carry out its responsibilities such as transportation or accounting services. However, the sponsor has primary responsibility for direct operation and administrative aspects of the project. Such responsibility cannot be contracted or delegated away.

§ 1207.2–5 Local program staff.

(a) Program staff are employees of the sponsoring organization. Senior Companion Program volunteers may not serve as staff of the sponsor. Relatives of the sponsor's employees, or of a member of its Board of Directors cannot be employees of the local program, except with the knowledge and concurrence of the program's Advisory Council. The Advisory Council shall concur only in unusual circumstances, which shall include the inability to find in the community another person having the skills required.

(b) ACTION must concur in writing before the sponsor employs a Program Director. The Director shall not be employed, paid, or used in another position while serving as Director of the local program.

Subpart C—Program Description

§ 1207.3–1 Introduction.

Volunteers perform a variety of activities at various kinds of volunteer stations.

§ 1207.3–2 Volunteer stations.

(a) Volunteer stations are public and private nonprofit agencies or organizations, as well as proprietary health care organizations, in or through with volunteers serve in accordance with program policies. The term "proprietary health care organizations" includes proprietary nursing homes, homes for the aged or other private health care facilities. Each health care facility serving as a volunteer station must be licensed or otherwise certified by the appropriate state or local government.

(b) Volunteer stations shall be within the service area of the local program. The service area is the community or communities in which the sponsor is authorized to recruit volunteers and in which they are to serve. Existing or traditional boundaries for planning and fund raising or for social service programs may influence, but shall not predetermine the service area.

(c) Specific requirements for the three major kinds of volunteer stations are:

(1) *Residential care volunteer station.* A minimum of 10 Senior Companions must be placed in a single residential care facility that accommodates at least 30 or more persons with special needs.

(2) *Nonresidential care volunteer stations.* A minimum of 5 Senior Companions must be placed in a single nonresidential care facility that accommodates at least 15 or more persons with special needs.

(3) *Private home placement volunteer stations.* (i) A Senior Companion may provide supportive person-to-person service in the home of one or more adults having special needs when assigned by a volunteer station responsible for the Senior Companion.

(ii) Volunteer station staff shall receive orientation from the sponsor, prior to the assignment of volunteers, concerning the Senior Companion Program and use of Senior Companions. Additional orientation may be provided to volunteer station staff, if necessary, during the period Senior Companions serve in or through a volunteer station.

§ 1207.3–3 Activities.

(a) Senior Companion activities must involve person-to-person relationships and not service to the volunteer stations or any other organization in which volunteers will serve. Activities serve the dual purpose of being meaningful to Senior Companions and providing support and companionship to adults being served. At least 80 percent of those persons served by Senior Companions in each program shall be age 60 or over.

(b) Sponsors should aim to provide volunteer services to those adults with the greatest need; thus, activities should benefit persons, such as the physically and emotionally handicapped, persons receiving home health care, nursing care, financial assistance, or meals on wheels, and persons having developmental disabilities or special needs for companionship.

§ 1207.3–4 Memorandum of understanding.

Sponsor, usually through the Program Director, and each volunteer station, prior to assignment of volunteers, shall jointly prepare and sign a Memorandum of Understanding for the purpose of clarifying working relationships, facilitating communication and promoting cooperation. The Memorandum shall include the following information: The kind of volunteer station (residential, non-residential, private home, etc.); the number of adults with special needs to be served by Senior Companions and the potential number of adults eligible to receive service; the primary staff person at the volunteer station with whom the local Senior Companion Program staff will work; the number of Senior Companions planned for the volunteer station; provision for an appeal procedure for Senior Companions; the extent of the volunteer station's support of the Senior Companions' benefits: meals, transportation, space, etc.; the safety provisions that will protect the Senior Companions; and other conditions mutually desired. In the case of Senior Companions serving in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a letter or other written document from the person served, or the person(s) legally responsible for that person, authorizing or requesting volunteer service in the home and indicating what specific volunteer activities are requested. The Memorandum of Understanding shall be reviewed for possible changes and updated annually by the concerned local parties. It may be amended at any time by mutual agreement.

§ 1207.3–5 Advisory council.

(a) The sponsor shall establish a Senior Companion Program Advisory Council to advise and assist the sponsor in planning, support, related project operations and an annual appraisal of the local program.

(b) The Advisory Council membership should include major private and public community agencies, minority groups, civic and service organizations and representatives of volunteer stations and organizations concerned with the interests of older persons and voluntarism. One fourth of the members shall be or represent low income persons age 60 or over and should include at least one Senior Companion as a member.

(c) The sponsor's chief executive or his designee, a member of its governing body, and the program director shall be members of the Council and shall not serve as officers of the Council. Only the member of the sponsor's governing board shall be a voting member of the Council.

Subpart D—Volunteers

§ 1207.4–1 Eligibility.

(a) A Senior Companion shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving adults with special needs and willing to accept supervision as required.

(b) (1) A Senior Companion shall not have an annual income from all sources, other than stipends received as a volunteer, which exceed the poverty line as set forth in the currently applicable guideline published by the Office of Economic Opportunity pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971(a)). However, the Director of ACTION may raise this income level to reflect the higher cost of living in the geographic area to be served by the project. Such determination may be based on other price, cost-of-living, income or similar indexes.

(2) An enrolled Senior Companion shall lose eligibility for continued service as a consequence of annual income that equals or exceeds 20 percent of the level established by paragraph (b)(1) of this section at the time such determination is made. The sponsor is responsible for an annual review of the income of each Senior Companion and referral of those with increased incomes to the Advisory Council for a final recommendation regarding continued eligibility.

(c) Eligibility to be a Senior Companion may not be based on race, creed, sex, or national origin. Sponsors shall ensure that special efforts are made to recruit and select qualified individuals from minority groups to serve as Senior Companions.

§ 1207.4–2 Recruitment and instruction.

(a) The sponsor is responsible for recruitment of Senior Companions in accordance with the standards of eligibility in § 1207.4–1. Volunteer assignments in identified volunteer stations should be determined before recruitment of Senior Companions begins. The sponsor shall provide each volunteer with a physical examination prior to service to assure that he is physically able to serve without detriment to himself or to the adults served. Physical examinations shall be provided annually thereafter.

(b) The sponsor shall provide or arrange an orientation of not less than 40 hours for each Senior Companion volunteer before service begins. Thereafter, each volunteer shall be provided group in-service instruction for a minimum of four hours each month.

§ 1207.4–3 Terms of service.

(a) *Period of service.* Senior Companions serve usually five days a week for a total of twenty hours a week. Transportation time between the volunteer's home and place of assignment, and meal time during volunteer service, shall not be considered part of the service period. However, if it is required that meals are taken with the persons served, such time shall count as volunteer service.

(b)(1) *Stipends.* Senior Companions will receive an annual stipend for service rendered, payable in regular installments. The amount of such a stipend will be set by ACTION through periodic instructions sent to sponsors. Sponsor shall establish policy and procedures to reduce the stipend to reflect the volunteer's absence from his assignment. Reasonable periods of absence because of sickness or other unusual situations, consistent with policies of the sponsor, shall be allowed.

(2) The sponsor may pay a higher stipend than that established nationally, but this excess payment may not be included in the Federal cost or be counted as part of the non-Federal cost sharing contribution required of the local program.

(3) For Federal, State and local purposes, no stipend shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, or similar benefit payments, or minimum wage laws. Stipends shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such Senior Companions may be receiving or will receive under any Federal, State or local governmental program.

(c) (1) Transportation and meals. Sponsors shall arrange or assist with the provision of transportation for Senior Companion volunteers, as needed, between their homes and volunteer assignments and for official program activities.

including orientation, recognition ceremonies and attendance at Advisory Council meetings. Sponsors may also reimburse volunteers for transportation costs to the extent permitted by both grant and local funds and in accordance with local program transportation policy.

(2) The sponsor will arrange for, or assist with, the cost of meals for orientation and volunteer assignments extending through a meal period within the limits of available resources and local program policy.

(d) (1) Insurance and safety. All Senior Companions shall be covered by accident insurance. Where coverage is not provided under the State Workmen's Compensation Law, the sponsor shall furnish accident insurance coverage. Sponsors shall also provide third-party liability insurance for injury to third persons and damage to such persons' property resulting from the services of Senior Companions. The extent of coverage shall be detailed in each grant application prior to the making of a grant award. The minimum amounts of accident and third-party liability insurance required are as follows:

(i) *Accident insurance.* Minimum limits of $10,000 for accident medical expenses, $1,000 for accidental death and dismemberment, and to include coverage to and from the place of assignment, and during the assignment.

(ii) *Third-party liability (non-automobile).* Minimum limits of $100,000 each person $300,000 each occurrence for bodily injury and $50,000 each occurrence for property damage.

(2) Sponsors shall also be required to make sure that volunteers using their own vehicles have automobile liability insurance equal to the minimum required by State law. If no State minimum coverage exists, then the volunteer must have a policy providing the following coverage at a minimum: $15,000 each person and $30,000 each occurrence for bodily injury and $5,000 each occurrence for property damage.

(3) ACTION sponsors should also have liability insurance covering their owned or leased vehicles, and vehicles belonging to Senior Companions, which are used in program activities. Levels of required insurance coverage will be set forth in an ACTION instruction made available to grant applicants.

(4) Sponsors shall ensure that adequate provisions for safety of Senior Companions are in force at each volunteer station.

(e) (1) Appeal of sponsor's actions and separations. The sponsor shall establish a procedure whereby a Senior Companion may appeal an action or decision by the sponsor or program staff, or the supervisory staff of the volunteer station. The procedure will provide for the review of the Senior Companions request by the Advisory Council, or a committee thereof, which shall recommend to the chief executive of the sponsor what action to take. Final decision on such an appeal shall be made by the chief executive.

(2) The sponsor may separate Senior Companions from the program for cause, including extended absence, chronic illness, misconduct, inability to perform the volunteer assignment and income in excess of the standard set forth in § 1207.4–1(b). The sponsor shall provide a procedure to review appeals from such separations. The procedure shall be the same as that mentioned in the preceding paragraph in connection with appeals of sponsor's actions.

Subpart E—General

§ 1207.5–1 Coordination.

(a) The sponsor of a project under this Part shall coordinate project activities with related groups and individuals, including those representing government, industry, labor, voluntary organizations, programs for the aging, including in particular area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing community services and develop needed community support.

(b) ACTION will consult and coordinate with national, state and local agencies, the Administration on Aging in particular, and nonprofit private organizations to promote the development of volunteer service opportunities for older persons.

§ 1207.5–2 Grant awards.

ACTION will within funds available award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program.

§ 1207.5–3 Grant conditions.

Fiscal and administrative policies and procedures set forth in ACTION instructions and handbooks shall be made available to sponsors at the time they receive a grant award. Grant termination, suspension, and denial of continuation appeal procedures are contained in Part 1206.

§ 1207.5–3 Program changes.

Permissible changes in the approved program plan shall be limited to minor changes which do not substantially alter the substances of the program plan for which the grant was received. The following changes must receive prior written approval of ACTION:

(a) Appointment of the local Program Director.

(b) Placement of Senior Companions with volunteer stations not included in the grant application or in subsequently approved program amendments.

(c) Reassignment of Senior Companions that cause an increase or decrease of 10 percent or more of the Senior Compansions assigned to approved volunteer stations.

§ 1207.5–5 Special legal limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to Federal office, or any voter registration activity. The term "election" has the same meaning given such terms by section 301(a) of the Federal Election Campaign Act of 1971 (P.L. 92–225) and the term "Federal office" has the same meaning given such term by section 301 (c) of such Act.

(2) No local program shall be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such program with (i) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(b) *Special limitations.* (1) The service of Senior Companion volunteers is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(2) All support, including transportation provided to volunteers shall be furnished at the lowest possible costs consistent with the effective operation of volunteer programs.

(3) No sponsor or volunteer station shall request or receive any compensation for services of Senior Companions supervised by it.

(4) No grant funds shall be directly or indirectly utilized to finance labor or antilabor organization or related activity.

(c) Nondiscrimination. (1) No person with responsibilities in the operation of a local program shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, or political affiliation.

(2) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any project.

Issued in Washington, D.C., on February 12, 1974.

MICHAEL P. BALZANO, Jr.,
Director, ACTION.

[FR Doc.74–3780 Filed 2–14–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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

Codes and Standards for Nuclear Power Plants

On November 6, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 30564) proposed amendments to its regulations, 10 CFR

Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," which would incorporate by reference new addenda to specified published industry codes.

The proposed amendments to § 50.55a and § 115.43 would provide that the editions of referenced addenda whose requirements must be met include only those addenda through the Summer 1973 Addenda as appropriate. Minor editorial changes to update references in §§ 50.55a and 115.43a were also included.

Interested persons were invited to submit written comments within 30 days. No comments were received. The Commission has adopted the proposed amendments without modification.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 115 are published as a document subject to codification, to be effective on March 18, 1974.

1. The following amendments are made to § 50.55a:

a. Paragraph (b) is amended to read as set forth below.

b. Paragraph (d)(2)(ii) is amended by deleting the words "Class A or Class 1 piping set forth in editions" and substituting therefor "Class I or Class 1 piping set forth in editions".

c. Paragraph (e)(2)(ii) is amended by deleting the words "or for Class I pumps of editions" and substituting therefor "or for Class 1 pumps of editions".

d. Paragraph (h) is amended by deleting the words "Criteria for Nuclear Power Plant Protection Systems" and substituting therefor "Standard: Criteria for Protection Systems for Nuclear Power Generating Stations".

e. In § 50.55a, footnote 7 is revised to read as set forth below.

[7] For purposes of this regulation, the proposed IEEE 279 became "in effect" on August 30, 1968, and the revised issue IEEE 279–1971 became "in effect" on June 3, 1971. Copies may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

§ 50.55a Codes and Standards.

Each construction permit for a utilization facility shall be subject to the following conditions, in addition to those specified in § 50.55:

* * * * *

(b) As used in this section, references [1] to editions of Criteria, Codes, and Standards include only those editions through 1971; references [1] to Addenda include only those Addenda through the Summer 1973 Addenda.

* * * * *

[1] These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972, and May 4, 1973.

2. Section 115.43a of 10 CFR Part 115 is amended as follows:

a. In § 115.43a of 10 CFR Part 115, paragraph (b) is amended to read as set forth below.

§ 115.43a Codes and standards.

b. Paragraph (d)(2)(ii) is amended by deleting the words "Class I piping of editions" and substituting therefor "Class 1 of piping of editions" and by deleting the words "Class A or Class 1 piping set forth in editions" and substituting therefor "Class I or Class 1 piping set forth in editions".

c. Paragraph (e)(2)(ii) is amended by deleting the words "to Class I pumps of editions" and substituting therefor "to Class 1 pumps of editions" and by deleting the words "or for Class I pumps of editions" and substituting therefor "or for Class 1 pumps of editions".

d. Paragraph (f)(2)(ii) is amended by deleting the words "to Class I valves of section III of the ASME Boiler and Pressure Vessel" and substituting therefor "to Class 1 valves of section III of the ASME Boiler and Pressure Vessel Code" and by deleting the words "or for Class I valves of section III of the ASME Boiler and Pressure Vessel Code" and substituting therefor "or for Class 1 valves of section III of the ASME Boiler and Pressure Vessel Code".

e. Paragraph (h) is amended by deleting "Criteria for Nuclear Power Plant Protection Systems" and substituting therefor "Standard: Criteria for Protection Systems for Nuclear Power Generating Stations".

f. Footnote 7 is revised to read as set forth below.

[7] For purpose of this regulation, the proposed IEEE 279 became "in effect" on August 30, 1968, and the revised issue IEEE 279–1971 became "in effect" on June 3, 1971. Copies may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Each construction authorization shall be subject to the following conditions, in addition to those specified in § 115.43:

* * * * *

(b) As used in this section, references [1] to editions of Criteria, Codes, and Standards include only those editions through 1971; references [1] to Addenda include only those Addenda through the Summer 1973 Addenda.

* * * * *

(Secs. 103, 104, 1611, Pub. L. 83–703; 68 Stat. 936, 937, 948 (42 U.S.C. 2133, 2134, 2201(i)))

Dated at Bethesda, Md. this 23d day of January 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74–3675 Filed 2–14–74;8:45 am]

[FCC 74–111]

PART 73—RADIO BROADCAST SERVICES

Advance Approval of Subscription Television System; Deletion

Order. In the matter of amendment of Part 73 to delete § 73.644(a)(10).

1. In an action taken today,[1] the Commission amended paragraph (d) of § 0.457 of its rules dealing with the disclosure of information to the public. The revised rules are consistent with the requirements of the Freedom of Information Act, 5 U.S.C. section 552 and judicial interpretation thereof.[2]

2. Paragraph (a)(10) of § 73.644 states that information filed by applicants seeking advance approval of subscription television systems will not be open to the public.[3] This provision is contrary to the general policy set forth in the amendment of § 0.457(d) adopted today, which provides that information filed with an application for an equipment or system authorization (such as advance approval of a subscription television system) shall be open to the public after the grant of type acceptance or system approval is issued. The amendment provides further that the applicant may request nondisclosure of information claimed to be a trade secret or proprietary information, pursuant to § 0.459 of the rules, with a statement of the basis for such claim.[4] If the request is adequately justified, the Commission will grant nondisclosure for the period of time specified by the applicant.

3. In view of the conflict between § 73.644(a)(10) and the amended § 0.457(d), and since trade secrets and proprietary information can be granted confidentiality on the basis of a justified request by the applicant, § 73.644(a)(10) of our rules may be deleted as no longer required.

4. This action is taken to conform the requirements for advance approval of subscription television systems with our current policy on disclosure of information as expressed in the amended § 0.457 (d), which was promulgated pursuant

[1] Report and Order in Docket No. 19356. (FCC 74–113)

[2] "Consumers Union v. Veterans Administration," 301 F. Supp. 796 (1969), "Wellford v. Hardin," 444 F. 2d 21 (1971).

[3] The text of subparagraph (10) reads as follows:

"(10) Files containing information about subscription television systems submitted by applicants for approval of these technical systems pursuant to the rules in this part will not be open to the public."

[4] 47 CFR 0.459; "FCC v. Schreiber," 381 U.S. 279 (1965).

to a formal rulemaking proceeding. Accordingly the prior public notice and effective date provisions of the Administrative Procedure Act do not apply. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the above: *It is ordered*, That effective March 25, 1974, § 73.644 (a)(10) of Part 73 of the FCC rules is hereby deleted.

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

Adopted: February 6, 1974.

Released: February 15, 1974.

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

[FR Doc.74-3659 Filed 2-14-74;8:45 am]

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Allocation of Middle Distillate and Motor Gasoline for Cargo, Freight and Mail Hauling

Subpart G of the Mandatory Allocation Regulations, concerning the allocation of middle distillate fuels, is amended to change the percentage allocation level for cargo, freight and mail hauling uses to one hundred (100) percent of current requirements. Subpart F of the Mandatory Allocation Regulations, concerning the allocation of motor gasoline, is also amended to include a definition of "truck" and to add cargo, freight and mail hauling by truck to those uses assigned an allocation level of one hundred (100) percent of current requirements. For the purposes of Subpart F, a truck is defined primarily in terms of its gross vehicle weight rating.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is inapplicable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 4, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.123 is amended by adding a new paragraph (a)(1)(i)(*h*) and removing paragraph (a)(2)(ii) to read as follows:

§ 211.123 Allocation levels.

(a) * * *
(1) * * *
(i) * * *

(*h*) Cargo, freight, and mail hauling except as set forth elsewhere in this section.

(2) [Removed]

* * * * *

3. Section 211.102 is amended to add as definition of "truck" to read as follows:

§ 211.102 Definitions.

* * * * *

"Truck" means a motor vehicle with motive power designed primarily for the transportation of property or special purpose equipment and with a gross vehicle weight rating for a single vehicle (the value specified by the manufacturer as the loaded weight of the vehicle) or the equivalent thereof in excess of 20,000 pounds, or in the case of trucks designed primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn, with a gross combination weight rating (the value specified by the manufacturer as the loaded weight of the combination vehicle) or the equivalent thereof in excess of 20,000 pounds.

4. Section 211.103 is amended by adding a new paragraph (a)(1)(vii) to read as follows:

§ 211.103 Allocation levels.

(a) * * *
(1) * * *
(vii) cargo, freight and mail hauling by truck.

[FR Doc.74-3956 Filed 2-14-74;12:27 pm]

Title 7—Agriculture

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

[Navel Orange Reg. 312]

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 regulated period February 15-21, 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.

§ 907.612 Navel Orange Regulation 312.

(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 regulation 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 improved somewhat last week. Prices f.o.b. averaged $3.86 a carton on a reported sales volume of 1,318 carlots last week, compared with an average f.o.b. price of $3.77 per carton and sales of 1,150 carlots a week earlier. Track and rolling supplies at 947 cars were up 254 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 aranges, 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 regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 12, 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 15, 1974, through February 21, 1974, are hereby fixed as follows:

(i) District 1: 1,575,000 cartons;

(ii) District 2: 175,000 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 14, 1974.

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

[FR Doc.74–3920 Filed 2–14–74;9:35 am]

[Lemon Reg. 626]

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. 17–23, 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.

§ 910.926 Lemon Regulation 626.

(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 Californa 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 marketing during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has improved somewhat for the first two days of the current week, but supplies out the balance of the week will depend on availability of transportation. Average f.o.b. price was $5.31 per carton the week ended February 9, 1974 compared to $5.34 per carton the previous week. Track and rolling supplies at 141 cars were up 16 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 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 between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested 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 12, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 17, 1974, through February 23, 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 13, 1974.

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

[FR Doc.74–3908 Filed 2–14–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 4]

PART 1424—BULK OILS

Standards for Approval of Bulk Oil Warehouses; Transfer of Functions

The standards for Approval of Bulk Oil Warehouses, as issued, corrected, and amended by the Commodity Credit Corporation (34 FR 4880, 5300, and 13734, 35 FR 6701, and 37 FR 11967), are hereby further amended to reflect the transfer of functions for (1) the linseed oil program from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, and for (2) the other bulk oils programs from the former New Orleans Agricultural Stabilization and Conservation Service Commodity Office, to the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Post Office Box 8377, Shawnee Mission, Kansas 66208, effective October 1, 1973. Since the amendment does not change the substantive terms and conditions of the Standards, it is determined that compliance with the proposed rulemaking procedures is not necessary.

Paragraph (b) of § 1424.1 is amended to read as follows:

§ 1424.1 General statement and administration.

* * * * *

(b) Copies of the applicable CCC storage contract and other forms required to obtain approval under this subpart may be obtained from the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, Post Office, Box 8377, Shawnee Mission, Kansas 66208.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b))

Effective date. These amendments become effective on February 7, 1974.

Signed at Washington, D.C., on February 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–3753 Filed 2–14–74;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.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region IX

In order to provide better Customs service in the St. Louis, Missouri, Customs district, it is proposed to establish a Customs port of entry at Wichita, Kansas.

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), and 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), Wichita, Kansas, is hereby proposed as a port of entry in the St. Louis, Missouri, Customs district (Region IX).

The geographical limits of the proposed port of entry will include all of the territory within the following boundaries:

In Sedgwick County, Kansas, beginning at the junction of 77th Street North and 183rd Street West, east on 77th Street North to 159th Street East, south on 159th Street East to 87th Street South, west on 87th Street South to 183rd Street West, north on 183rd Street West to its junction with 77th Street North.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration, communications must be received not later than March 4, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: February 11, 1974.

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

[FR Doc.74-3779 Filed 2-14-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO

Proposed Loan and Purchase Program for 1974 Crop

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 106, 401, and 403 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b, 714c), proposes to make determinations relative to a support program for the 1974 crop of tobacco.

The Agricultural Act of 1949, as amended, requires the Secretary to make support available on any crop of tobacco for which marketing quotas have not been disapproved by producers. Under section 106 of the Act, the level of support in cents per pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of the average of the index of prices paid by farmers for the three calendar years immediately preceding the calendar year in which the marketing year begins for which the support level is being determined to the average index of prices paid by farmers for the 1959 calendar year. The average of the index of prices paid for calendar years 1971–73 will be used in computing the 1974 tobacco support levels. This average is 446. The average index of prices paid for the calendar year 1959 is 298. The resulting ratio is 1.50. Thus, the support level for the 1974 crop of each eligible kind of tobacco will be 150 percent of the 1959 crop support level. Prior to the beginning of the marketing season for each kind of tobacco, pursuant to section 403 of the Act, Commodity Credit Corporation will issue proposed advance rates for the various types and grades of tobacco, and comments on such rates may be made at that time.

No change is contemplated in the method of supporting tobacco through loans on all eligible kinds of tobacco and purchases of Puerto Rican tobacco. Regulations currently in effect with respect to the tobacco price support program are set forth at 7 CFR Part 1464.

Prior to making determinations relating to this notice, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than March 15, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-3754 Filed 2-14-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED SWEET CORN

Proposal To Delete Certain Optional Styles of Pack and Declaration of Yellow Color Type

A proposal to amend the United States definitions and standards of identity (21 CFR 51.20), quality (21 CFR 51.21) and fill of container (21 CFR 51.22) for canned sweet corn was published in the FEDERAL REGISTER of October 5, 1972 (37 FR 21112) based on a proposal by the Commissioner of Food and Drugs in consideration of the "Recommended International Standard for Canned Sweet Corn." An order ruling on this proposal is published elsewhere in this issue of the FEDERAL REGISTER. In consideration of the "Recommended International Standard for Canned Sweet Corn," hereinafter referred to as the Codex standard, the Commissioner proposes to make additional amendments in the U.S. identity standard for canned sweet corn (51.20) in order to bring the standard closer in line with the Codex standard.

The U.S. standard (21 CFR 51.20(b)) includes three optional styles of pack which are not included in the Codex standard; namely, fritter corn defined as pieces of the inner portion of the corn kernel substantially free from hull, ground corn defined as ground kernels from which the hulls have not been separated, and evaporated corn defined as cut and cooked kernels from which most of the moisture has been evaporated. Information available to the Commissioner indicates that these products are not being produced commercially. The Commissioner therefore proposes to delete fritter, ground and evaporated styles of pack from the identity standard (21 CFR 51.20) and to consider such styles of corn as nonstandardized foods.

The U.S. standard (21 CFR 51.20(b)) provides that the product consist of white or yellow sweet corn or mixtures thereof. The Codex standard provides for the use of white or yellow sweet corn but not mixtures thereof. Information available to the Commissioner indicates that production of mixtures of white and yellow

sweet corn are not of commercial significance in the United States. The Commissioner, therefore, proposes to delete the provision for mixtures of white and yellow sweet corn from the U.S. standard and to consider such products nonstandardized foods.

The U.S. standard (21 CFR 51.20(e)) requires the name of the food to include the color type "white," "yellow," or "golden," "white and yellow," or "white and golden," when the white color group predominates and "yellow and white," or "golden and white," when the yellow color type predominates. The Codex standard requires that only when the product consists of white corn must the color type be a part of the name. The Commissioner proposes, in the interest of international uniformity, that the U.S. standard be the same.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919; 21 U.S.C. 341, 371(e)), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 51.20, as revised elsewhere in this issue of the FEDERAL REGISTER, be amended by revising paragraphs (b) and (e)(4) to read as follows:

§ 51.20 Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.

* * * * *

(b) *Styles.* The optional styles referred to in paragraph (a) of this section consist of succulent sweet corn of the yellow (golden) or white color type, conforming to *Zea mays L.* having the sweet corn characteristic as follows:

(1) Whole kernel or whole grain or cut kernel consisting of whole or substantially whole cut kernels packed with a liquid medium.

(2) Cream style consisting of whole or partially whole cut kernels packed in a creamy component from the corn kernels and other liquid or other ingredients to form a product of creamy consistency.

* * * * *

(e) * * *

(4) The color type used only when the product consists of white corn.

* * * * *

Interested persons may on or before April 16, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support hereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–3653 Filed 2–14–74;8:45 am]

Social Security Administration

[20 CFR Part 416]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations add §§ 416.1425–416.1474 to Subpart N of Part 416 which reflect policies and procedures for hearings and appeals, and judicial review under title XVI of the Social Security Act, as amended by Public Law 92–603.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program became effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 18, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, and 1631, 49 Stat. 647, as amended, 86 Stat., 1476, 42 U.S.C. 1302, 1383.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: January 28, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 11, 1974.

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

Subpart N of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto §§ 416.1425–416.1474 to read as follows:

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

Sec.

416.1425 Right to hearing.
416.1426 Time and place of filing request for hearing.
416.1427 Request for hearing.
416.1428 Parties to a hearing.
416.1429 Presiding officer.
416.1430 Disqualification of presiding officer.
416.1432 Prehearing and posthearing conferences.
416.1433 Notice of hearing.
416.1434 Issues before the presiding officer.
416.1435 Remand prior to hearing.
416.1436 Consolidated hearing.
416.1437 Joint hearings.
416.1439 Change of time and place for hearing.
416.1440 Subpoenas.
416.1441 Conduct of hearing.
416.1442 Evidence.
416.1443 Witnesses.
416.1444 Oral argument and written allegations.
416.1445 Record of hearing.
416.1446 Right to appear and present evidence.
416.1447 Fully favorable decision on the record.
416.1449 Dismissal of request for hearing; by application of party.
416.1450 Dismissal by abandonment of party.
416.1451 Dismissal for cause.
416.1452 Notice of dismissal and right to request review thereon.
416.1453 Effect of dismissal.
416.1454 Vacation of dismissal of request for hearing.
416.1455 Time period for decision on request for hearing.
416.1456 Collateral estoppel.
416.1457 Presiding officer's decision.
416.1458 Effect of presiding officer's decision.
416.1459 Removal of hearing to Appeals Council.
416.1460 Case certified to Appeals Council by presiding officer.
416.1461 Right to request review of presiding officer's decision or dismissal.
416.1462 Time and place of filing request.
416.1463 Appeals Council own motion review.
416.1464 Action by Appeals Council on request for review.
416.1465 Basis for review of the presiding officers decision or dismissal by Appeals Council.
416.1466 Procedure before Appeals Council on review.
416.1467 Case remanded to presiding officer.
416.1468 Court remanded cases.
416.1469 Decision on review or court remand.
416.1470 Effect of Appeals Council's decision or refusal to review.
416.1472 Dismissal by Appeals Council.
416.1473 Extension of time to request hearing or review or begin civil action.
416.1474 Good cause for extension of time.

§ 416.1425 Right to hearing.

An individual has a right to a hearing about any matter designated in §416.1402 if:

(a) An initial determination and a reconsideration of the initial determination have been made by the Administration; *or* an initial determination has been made that disability has ceased due to medical improvement; *and*

(b) The individual is a party referred to in § 416.1428; *and*

(c) The individual has filed a written request for a hearing under the provisions described in § 416.1426.

§ 416.1426 Time and place of filing request for hearing.

The request for hearing shall be in writing and filed with an officer of the Administration, including a hearing office, or with the Appeals Council. The request for hearing must be filed within 30 days after the date of receipt of notice of the reconsidered determination *or* within 30 days after the date of receipt of notice of the initial determination that disability has ceased due to medical improvement. For purposes of this section, the date of receipt of notice shall be presumed to be five days after the date such notice is mailed, unless there is reasonable showing to the contrary.

§ 416.1427 Request for hearing.

(a) A request for hearing filed in accordance with § 416.1426 may be made on Form HA-501, "Request for Hearing," or by other writing requesting a hearing. Such request shall be signed by the party and shall contain:

(1) Name of individual and social security number;

(2) Name and social security number of spouse, if any;

(3) The reason(s) for disagreeing with the reconsidered or revised determination or the initial determination that disability has ceased due to medical improvement;

(4) Statement of additional evidence which will be submitted and the anticipated date of submittal if it does not accompany the request; and

(5) The name and address of the individual's representative, if any.

(b) Where possible, documentary evidence which is to be offered at the hearing by the claimant shall be submitted to the presiding officer (see § 416.1429) with the request for hearing or within 10 days after the filing of such request. Every reasonable effort shall be made to insure that all relevant evidence has been received by the presiding officer or will be available at the time and place set for the hearing.

§ 416.1428 Parties to a hearing.

The parties to a hearing shall be the person or persons who were parties to the initial determination in question or the reconsideration where applicable. Any individual may, upon appropriate order of the presiding officer, become a party to the proceedings when such proceedings may prejudice such individual's rights with respect to eligibility or amount of benefits.

§ 416.1429 Presiding officer.

The hearing provided for in this Subpart N shall, except as herein provided, be conducted by:

(a) An administrative law judge appointed pursuant to 5 U.S.C. 3105; or

(b) A hearing examiner, SSI (hearing examiner, Supplemental Security Income), appointed pursuant to the authority of the Secretary as provided in section 1631(d)(2) of the Act.

Such presiding officer shall be designated by the Director of the Bureau of Hearings and Appeals or his delegate. Where a consolidated hearing is conducted as provided in § 416.1436, the presiding officer designated shall be an administrative law judge. The Director may also designate a member or members of the Appeals Council to conduct a hearing, in which case the provisions of this Subpart N governing the conduct of a hearing by a presiding officer shall be applicable thereto.

§ 416.1430 Disqualification of presiding officer.

No presiding officer shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party may have to the presiding officer who will conduct the hearing, shall be made by such party at his earliest opportunity. The presiding officer shall consider such objection and shall, in his discretion, either proceed with the hearing or withdraw. If the presiding officer withdraws, another presiding officer shall be designated by the Director of the Bureau of Hearings and Appeals or his delegate to conduct the hearing. If the presiding officer does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as provided in § 416.1461, as reasons why the hearing decision shall be revised or a new hearing held before another presiding officer.

§ 416.1432 Prehearing and posthearing conferences.

The presiding officer at his discretion, upon his own motion or request of any party to the hearing, may hold pre or post hearing conferences for the purpose of facilitating the hearing or decision of the presiding officer. Notice shall be given to the parties of the time and place of such conference and the purpose therefor, not less than seven days prior to the conference date unless such notice is waived by the parties. The presiding officer may consider matters in addition to those specified in the notice provided the parties consent in writing thereto. A record shall be made of all agreements and actions resulting from any such conference and the presiding officer shall issue an order setting forth all such agreements and actions. Absent objections of the parties, such agreements and actions at the conference shall become part of the hearing record and be binding upon all parties, unless, in the discretion of the presiding officer, such would be unreasonable or inequitable.

§ 416.1433 Notice of hearing.

The presiding officer shall fix a time and place within the United States (as defined in § 416.120(c)(8)) for the hearing, written notice of which unless waived by a party shall be mailed to the parties at their last known addresses or given to them by personal service not less than ten days prior to such time. The notice of hearing shall include the time and place of the hearing, and a statement of the specific issues to be determined, and matters on which findings will be made and decision reached. The parties shall be informed of their right to representation. Written notice of the objections of any party to the time and place fixed for a hearing, or the issues to be decided shall be filed by the objecting party with the presiding officer at the earliest practicable opportunity before the time set for such hearing. Such notice shall state the reasons for the party's objection and, with respect to time and place, his choice as to the time and place within the United States for the hearing. The presiding officer may, for good cause, fix a new time or place for the hearing. The presiding officer shall rule, either in writing or at the hearing, on any objections raised as to the issues on which evidence will be taken and a decision issued.

§ 416.1434 Issues before the presiding officer.

(a) *General.* The presiding officer shall inquire fully into those issues which formed the basis of the reconsidered determination, or where applicable, the initial determination, except for those issues on which findings fully favorable to the party were made. However, where facts elicited before or at the hearing raise a question as to such favorable findings, said issues may be set for hearing upon notice.

(b) *New issues.* At any time after a request for hearing has been made, as provided in § 416.1426, and prior to the issuance of the decision, the presiding officer may, in his discretion, in addition to the matters brought before him by the request for hearing, give notice that he will also consider any specified new issue whether pertinent to the same or a related matter, and whether arising subsequent to the request for hearing, which may affect the rights of such party even though the Administration has not made an initial or reconsidered determination with respect to such new issues; provided, that notice of the time and place of hearing on any new issue, unless waived, shall be given as specified in § 416.1433; and provided further, that the (matter) claim is not within the jurisdiction of a State agency under a Federal-State agreement pursuant to section 221(b) or section 1633 of the Act.

§ 416.1435 Remand prior to hearing.

Where new and material evidence is received or there is a change in law, regulations, or other precedents which would permit findings favorable to the individual, the presiding officer, in his discretion, may remand the case to the appropriate Administration office for a revised determination where such action would expedite payment to the individual. Unless the remand is requested by the individual, the order of remand shall inform the individual that any objection to the remand shall be filed with the presiding officer within 10 days from the date of such order. Absent any objections by the individual, consent of such individual will be presumed.

§ 416.1436 Consolidated hearing.

(a) *Requests for hearing pending under various laws within the jurisdiction of the Administration.* Where request for hearing is made, as provided in § 416.1426, and there is a timely request for hearing pending with respect to the same party, under any other law administered by the Administration, the presiding officer shall conduct a consolidated hearing on all such pending requests for hearing, if practicable. Such consolidated hearing shall be in accordance with this Subpart N and with provisions of Subpart J of Part 404, Subpart G of Part 405, and Subpart F of Part 410 of this chapter, as appropriate to such other claim(s).

(b) *Claims involving same issues.* Where there is pending before the Administration a claim with respect to the same party under title II or XVIII of the Act or title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969, as amended, which presents one or more of the same issues which are before the presiding officer on the request for hearing under this Subpart N, the presiding officer shall consider whether a consolidated hearing should be held. A presiding officer may, in his discretion, remove such other claim or claims to himself and conduct a consolidated hearing on all claims which involve the same issues even though the Administration has not made an initial or a reconsidered determination on such other claims or even though the party has not made request for hearing, as provided in §§ 404.918, 405.722, or 410.631 of this chapter. In such hearing, the provisions of Subpart J of Part 404, Subpart G of Part 405, or Subpart F of Part 410 of this chapter shall be applied, as appropriate to such other claim(s) and this Subpart N. The requirements of such subpart, governing the programs under which said type claim is filed, must be satisfied as appropriate.

(c) *Record, evidence and decision at consolidated hearings.* When a consolidated hearing is held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or consolidated decision shall be made, as appropriate.

§ 416.1437 Joint hearings.

Where two or more hearings are to be held with respect to claims under title XVI of the Act, and the same or substantially similar evidence would be relevant and material to the matters in issue at each such hearing, the presiding officer may, with consent by the parties, fix the same time and place for the hearings and conduct all such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or joint decision shall be made as appropriate.

§ 416.1439 Change of time and place for hearing.

The presiding officer may change the time and place for the hearing, either on his own motion or for good cause shown by a party. The presiding officer may adjourn or postpone the hearing, or he may reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice to the party of the decision in the case. Reasonable notice shall be given to the parties of any change in the time or place of hearing or an adjournment or a reopening of the hearing.

§ 416.1440 Subpoenas.

When reasonably necessary for the full presentation of a case, a presiding officer or a member of the Appeals Council, may, either upon his own motion or upon the request of a party, issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, and other documents which are relevant and material to any matter in issue at the hearing. Parties who desire the issuance of a subpoena shall, not less than 5 days prior to the time fixed for the hearing, file with the presiding officer or at the office of the Administration a written request therefor, designating the witnesses or documents to be produced, and describing the address or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witness or document and whether such facts could be established by other evidence without the use of a subpoena. Subpoenas, as provided for above, shall be issued in the name of the Secretary of Health, Education, and Welware, and the Social Security Administration shall pay the cost of the issuance and the fees and mileage of any witness so subpoenaed, as provided in section 205(d) of the Act.

§ 416.1441 Conduct of hearing.

Hearings shall be open to the parties and to such other persons as the presiding officer deems necessary and proper. The presiding officer shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the presiding officer believes that there is relevant and material evidence available which has not been presented at the hearing, the presiding officer may adjourn the hearing or, at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the hearing shall be conducted, except as these regulations otherwise require, shall be in the discretion of the presiding officer and shall afford the parties a reasonable opportunity for a fair hearing.

§ 416.1442 Evidence.

Evidence may be received at the hearing even though inadmissible under rules of evidence applicable to court procedures. The parties shall have an opportunity to examine the evidence in the record.

§ 416.1443 Witnesses.

Witnesses at the hearing shall testify under oath or affirmation, unless they are excused by the presiding officer for cause. Witnesses shall be subject to examination by the presiding officer and the parties or their representatives. If the presiding officer conducts the examination of a witness, he may allow the parties to suggest matters as to which they desire the witness to be questioned, and the presiding officer shall question the witness with respect to such matters if they are relevant and material to any issue pending for decision before him.

§ 416.1444 Oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Where there is more than one party to the hearing, copies of any brief or other written statement shall be filed in sufficient number that they may be made available to any party.

§ 416.1445 Record of hearing.

A complete record of the proceedings at the hearing shall be made. The record shall be transcribed in any case when directed by the presiding officer or the Appeals Council or in any case where a civil action is commenced against the Secretary.

§ 416.1446 Right to appear and present evidence.

(a) *General.* Any party to a hearing shall have the right to appear in person or by representation before the presiding officer and present evidence and contentions. In regard to any party unwilling, unable, or waiving the right to appear personally and by representation before the presiding officer, it shall not be required that an oral hearing be conducted as provided in §§ 416.1433 through 416.1445.

(b) *Waiver of right to appear.* A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the presiding officer. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the presiding officer, the presiding officer may, nevertheless, give notice of a time and place and conduct a hearing as provided in §§ 416.1433 to 416.1445, inclusive, if he believes that the appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case.

(c) *Record as basis for decision.* Where all of the parties have waived their right to appear in person and waived the right to appear through a representative, the presiding officer may decide the case without scheduling an oral hearing. Where a party currently residing outside

the United States at a place not readily accessible to the United States does not indicate that he wishes to appear in person or through a representative before the presiding officer, and there are no other parties to the hearing who wish to appear, the presiding officer may decide the case without scheduling an oral hearing. In any case where an oral hearing is not scheduled, the presiding officer shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, and whatever additional relevant and material evidence the party or parties may present in writing for consideration by the presiding officer. Such documents shall be considered as all of the evidence in the case, and the decision as provided shall be based thereon.

§ 416.1447 Fully favorable decision on the record.

Where evidence submitted with the request for hearing (see § 416.1427) or received in pre-hearing preparation (see § 416.1432) provides substantial documentary evidence which may permit a decision on the record fully favorable to the party or parties, the presiding officer, at his discretion, may issue a decision on such record without an oral hearing. The record for such decision shall be made as set forth in § 416.1446 (c). The notice of such decision issued on the record shall inform the party or parties of their right to an oral hearing and right to examine the evidence received in the record.

§ 416.1449 Dismissal of request for hearing; by application of party.

With the approval of the presiding officer at any time prior to the mailing of notice of the decision, a request for a hearing may be withdrawn or dismissed upon the application of the party or parties filing the request for such hearing. A party may request a dismissal by filing a written notice of such request with the presiding officer or orally stating such request at the hearing. Where a request for hearing is withdrawn or dismissed the findings in the initial or the reconsideration determination are final and binding (see § 416.1453).

§ 416.1450 Dismissal by abandonment of party.

With the approval of the presiding officer, a request for hearing may also be dismissed upon its abandonment by the party or parties who filed it. A party shall be deemed to have abandoned a request for hearing if neither the party nor his representative appears at the time and place fixed for the hearing and either: (a) prior to the time for hearing such party does not show good cause as to why neither he nor his representative can appear; or, (b) within a reasonable period after furnishing of notice to him by the presiding officer to show cause, such party does not show good cause for such failure to appear and failure to notify the presiding officer prior to the time fixed for hearing that he cannot appear.

§ 416.1451 Dismissal for cause.

The presiding officer may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

(a) *Res judicata.* Where there has been a previous determination or decision by the Secretary under this Part of this chapter with respect to the rights of the same party on the same facts pertinent to the same issue or issues which has become final.

(b) *No right to hearing.* Where the party requesting a hearing is not a proper party under section 1631(c) of the Act or does not otherwise have a right to a hearing under § 416.1425 or § 416.1428.

(c) *Hearing request not timely filed.* Where the party has failed to file a hearing request timely pursuant to § 416.1426 and the time for filing such request has not been extended as provided in § 416.1473.

(d) *Death of party.* Where the party who filed the request for hearing dies and there are no other parties and there is no information before the Administration or the presiding officer showing the existence of an eligible spouse or person contending to be an eligible spouse *or* if there is such a person, the person has stated in writing that he does not wish to proceed with the hearing. The dismissal shall be vacated where an eligible spouse or person contending to be an eligible spouse requests in writing such vacation (within 30 days of receipt of the dismissal notice) and shows that he may be prejudiced by the reconsideration determination or initial determination, where applicable.

§ 416.1452 Notice of dismissal and right to request review thereon.

Notice of the presiding officer's dismissal action shall be given to the parties or mailed to them at their last known addresses. Such notice shall advise the parties of their right to request review of the dismissal action by the Appeals Council (see § 416.1461).

§ 416.1453 Effect of dismissal.

The dismissal of a request for hearing shall be final and binding unless vacated in accordance with § 416.1454.

§ 416.1454 Vacation of dismissal of request for hearing.

A presiding officer or the Appeals Council may vacate any dismissal of a request for hearing at any time for good cause shown and at the request of the party filed within 30 days from the date of receipt of the notice of dismissal. The date of receipt of such dismissal notice shall be presumed to be five days after the date such dismissal is mailed, unless there is reasonable showing to the contrary. In any case where a presiding officer has dismissed the hearing request, the Appeals Council may, on its own motion, within 30 days after the mailing of such notice, review such dismissal and may, in its discretion, vacate such dismissal and remand the case for hearing, except where it decides to render a fully favorable decision.

§ 416.1455 Time period for decision on request for hearing.

The decision of a presiding officer shall be issued not later than 90 days after the filing of a request for hearing, as provided in § 416.1426 and § 416.1427, except where the matter or matters to be decided involve disagreement with the existence of disability under section 1614 (a)(3) of the Act, or unless there is good cause for extension of the time period because of delays and unavoidable circumstances as follows:

(a) *Party's action.* Where delays are caused by the individual or his representative, the time period for decision may be extended by the total number of days of such delays. Such delays include any parties' delay in the submission of evidence, briefs or other statements, postponements or adjournments of the proceedings at the request of the parties, and any other delays caused by the actions of the parties or their representatives.

(b) *Other delays.* Where delays occur through no fault of the Secretary (e.g., acts of God) good cause for extension of the time period for decision on request for hearing shall be deemed to exist and the decision shall be issued as soon thereafter as practicable.

§ 416.1456 Collateral estoppel.

The doctrine of collateral estoppel shall apply with respect to any specific findings of fact made with respect to the same party in a previous initial or reconsidered determination, which became final, or in a previous decision after hearing, which became final, under title II or XVIII of the Act or title IV, Part B, of the Federal Coal Mine Health and Safety Act of 1969, as amended, unless there is a reasonable showing that such prior findings of fact may be incorrect. Where the doctrine of collateral estoppel is applicable, the findings in the prior action shall be controlling in the decision under this Subpart N.

§ 416.1457 Presiding officer's decision.

(a) *Hearing decision.* As soon as practicable after the close of a hearing, but no later than the 90th day after request for hearing in non-disability cases (see § 416.1455) the presiding officer shall issue a decision. Such decision shall be based upon the evidence adduced at the hearing or otherwise included in the hearing record (see §§ 416.1433–416.1446, inclusive). The decision shall be made in writing and contain findings of fact and reasons in support thereof. A copy of the decision, which shall include a list of exhibits shall be mailed to the parties at their last known address. Where appropriate, the presiding officer may certify a case to the Appeals Council after a hearing with a recommended decision.

(b) *Recommended decision in court remand cases.* Where the presiding officer conducts a hearing on a case remanded to the Appeals Council by the court such case shall be returned to the Appeals Council with a recommended decision (see § 416.1460).

§ 416.1458 Effect of presiding officer's decision.

The presiding officer's initial hearing decision, provided for in § 416.1457(a) shall be final and binding upon all parties to the hearing unless it is reviewed by the Appeals Council. If a party's request for review of the presiding officer's decision is denied, such decision shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States as provided in section 1631 (c)(3) of the Act, or unless the decision is revised in accordance with pertinent regulations.

If a party's request for review of the presiding officer's decision is dismissed, such decision shall be final and binding upon all parties to the hearing unless the decision is revised in accordance with pertinent regulations.

§ 416.1459 Removal of hearing to Appeals Council.

The Appeals Council on its own motion may remove to itself any request for hearing pending before a presiding officer. The hearing on any request so removed to the Appeals Council shall be conducted in accordance with the requirements of §§ 416.1433 to 416.1446, inclusive. Notice of such removal shall be mailed to the parties at their last known addresses.

§ 416.1460 Case certified to Appeals Council by presiding officer.

(a) *Notice.* When a case has been certified to the Appeals Council by a presiding officer with his recommended decision, the presiding officer shall mail notice of such action with a copy of the recommended decision to the parties at their last known addresses. The parties shall be notified of their right to file with the Appeals Council within 10 days from the date of mailing of the recommended decision, briefs or other written statements of exceptions or allegations as to applicable fact and law. Upon request of any party made within such 10 day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be extended, as appropriate. Where there is more than one party, copies of such briefs or written statements shall be filed in sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council. Copies or a statement of the contents of the documents or other written evidence received in evidence in the hearing record, and a copy of the transcript of oral evidence adduced at the hearing, if any, or a condensed statement thereof shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

(b) *Procedure.* The proceedings before the Appeals Council on certification pursuant to paragraph (a) of this section shall be in accordance with the rules and procedure in § 416.1466. The Appeals Council shall issue a decision adopting, modifying or reversing the recommended decision. Where the Appeals Council determines that additional evidence is required, it may remand the case to the presiding officer for further inquiry into the matters, re-hearing, receipt of evidence and a subsequent initial hearing decision, or a revised recommended decision to the Appeals Council except where the Appeals Council decides that it can obtain the additional evidence more expeditiously, it will take the appropriate action.

§ 416.1461 Right to request review of presiding officer's decision or dismissal.

Any party to a hearing may request review by the Appeals Council of a decision issued as provided in § 416.1457 or a dismissal action as provided in §§ 416.1449–416.1451, inclusive.

§ 416.1462 Time and place of filing request.

(a) The request for review shall be in writing and filed with any office of the Administration, including a hearing office, or with the Appeals Council. The request shall be accompanied by such documents or other evidence the party desires to be considered on review. The request for review must be filed within 30 days from the date of receipt of the notice of the decision or dismissal. The date of receipt of such notices shall be presumed to be five days after the mailing date, unless there is reasonable showing to the contrary. The time for filing such requests may be extended for cause shown as provided in § 416.1473.

(b) Where a consolidated hearing is conducted as provided in § 416.1436, the request must be filed within 60 days from the date of mailing notice of the decision in the manner and place as set forth in paragraph (a) of this section. The time for filing such request may be extended for cause shown as provided in § 404.954 and § 416.1473 of this chapter.

§ 416.1463 Appeals Council own motion review.

The Appeals Council may, on its own motion, within 30 days (or where a consolidated hearing is conducted as provided in § 416.1436, within 90 days) from the date of mailing notice of a decision, reopen a decision for review or for the purpose of dismissing the party's request for hearing for any reason for which it could have been dismissed by the presiding officer (see §§ 416.1449 through 416.1451). Notice of the action by the Appeals Council shall be mailed to the party at his last known address. Where a consolidated hearing is conducted, as provided in § 416.1436, the Appeals Council shall consider such cases at the same time and the Appeals Council action on such concolidated cases shall be in accordance with the appropriate procedures in accordance with Subpart J of Part 404, Subpart G of Part 405, or Subpart F of Part 410 of this chapter.

§ 416.1464 Action by Appeals Council on request for review.

The Appeals Council may dismiss, deny or grant a party's request for review of a presiding officer's decision as hereinafter provided. Notice of action by the Appeals Council shall be mailed to the party at his last known address.

§ 416.1465 Basis for review of the presiding officer's decision or dismissal by Appeals Council.

The Appeals Council, on its own motion or on request for review, will review a hearing decision or dismissal where:

(a) There appears to be an abuse of discretion by the presiding officer;

(b) There is an error of law;

(c) The presiding officer's action, findings or conclusions, are not supported by substantial evidence; or

(d) There is a broad policy or procedural issue which may affect the general public interest.

Where new and material evidence is submitted with the request for review, the entire record will be evaluated and review will be granted where the Appeals Council finds that the presiding officer's action, findings or conclusion is contrary to the weight of the evidence currently of record.

§ 416.1466 Procedure before Appeals Council on review.

(a) *Notice.* Unless a case is remanded to a presiding officer, as provided in § 416.1467, whenever the Appeals Council determines to review a presiding officer's decision, the Appeals Council shall give the parties written notice of the reasons for granting review and, where appropriate, specify those issues which the Appeals Council shall consider on review. The Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the presiding officer's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived. The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements of allegations as to fact and law. Copies of such brief, or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(b) *Limitation of issues.* The Appeals Council may limit the issues it considers provided written notice is given the party of such specific matters before the Appeals Council on review.

(c) *Evidence.* Evidence in addition to that received into the record in connection with the hearing may be admitted into the record by the Appeals Council. Where the Appeals Council determines that the additional evidence submitted with the request for review satisfactorily completes the record, it may receive the evidence into the record and issue its decision. Where the Appeals Council determines that additional evidence is needed for a sound decision, it will remand the case to a presiding officer for receipt of the evidence, further proceedings and a new decision except where the Appeals Council can obtain the evidence more expeditiously and the rights of the claimant will not be adversely affected

(d) *Oral argument.* The claimant may request an appearance before the Appeals Council for the purpose of presenting oral argument. Such request will be granted where the Appeals Council determines that a significant question of law or policy is presented or where the Appeals Council is of the opinion that such oral argument would be beneficial in rendering a proper decision in the case. Where the request for appearance is granted, the claimant will be notified of the time and place for the appearance at least 10 days prior to the date of the scheduled appearance.

§ 416.1467 Case remanded to presiding officer.

The Appeals Council may remand to the presiding officer for rehearing, receipt of evidence, and decision any case on which review is granted where the presiding officer's action, findings or conclusions are not supported by the weight of the evidence except where the provisions of § 416.1466(c) are applicable. The Appeals Council may remand a case to a presiding officer where review is granted under § 416.1465 and additional evidence is needed. Where a case is remanded to a presiding officer he shall initiate such additional proceedings and take such other action under §§ 416.1433 through 416.1446 as is directed by the Appeals Council in its order of remand. The presiding officer may take any additional action not inconsistent with the order of remand. Upon completion of all action called for by the order of remand and any other action initiated by the presiding officer, the presiding officer shall promptly issue a decision in writing. A copy of the decision shall be mailed to each party at his last known address.

§ 416.1468 Court remanded cases.

When a case is remanded to a presiding officer after remand to the Appeals Council from a court, the presiding officer shall proceed in accordance with § 416.1467 except that a recommended decision shall be made (see § 416.1457 (b)) and the Appeals Council shall proceed after certification of such recommended decision as provided in §416.1460.

§ 416.1469 Decision on review or court remand.

The appeals Council will issue a decision affirming, modifying or reversing the hearing decision or issue an order to vacate such decision and remand the case to a presiding officer as provided in § 416.1466 and § 416.1467 for rehearing and decision. Where the case has been remanded by a court for further consideration by the Secretary, the Appeals Council may proceed to make the decision or it may remand the case to a presiding officer for further proceedings and a recommended decision.

§ 416.1470 Effect of Appeals Council's decision or refusal to review.

The Appeals Council may deny a party's request for review or it may grant review and either affirm, modify, or reverse the presiding officer's decision. The decision of the Appeals Council, or the decision of the presiding officer where the request for review of such decision is denied (see § 416.1464), shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States under the provisions of sections 205(g) and 1631(c) of the Act or unless the decision is revised in accordance with appropriate regulations.

§ 416.1472 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for review or proceedings pending before it under any of the following circumstances:

(a) *Upon request of party.* Proceedings pending before the Appeals Council may, with the approval of the Appeals Council, be discontinued and dismissed upon written application of the party or parties who filed the request for review to withdraw such request.

(b) *Death of party.* Proceedings before the Appeals Council, whether on request for review or review on the motion of the Appeals Council, may be dismissed upon the death of a party only if the record affirmatively shows that there is no eligible spouse or person contending to be an eligible spouse who wishes to continue the action.

(c) *Request for review not timely filed.* A request for review of a decision by a presiding officer shall be dismissed where the party has failed to file a request for review within the time specified in § 416.1462 and the time for filing such request has not been extended as provided in § 416.1473.

§ 416.1473 Extension of time to request hearing or review or begin civil action.

(a) *General.* Any party to an initial determination that a disability has ceased due to medical improvement or any party to a reconsidered determination, a hearing decision, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or for commencing a civil action in a district court, although the time for filing such request or commencing such action (see §§ 416.1426, 416.1462 and section 1631(c)(3) of the Act) has passed. If an extension of the time fixed by § 416.1426 for requesting a hearing before a presiding officer is sought, the petition may be filed with a presiding officer. In any other case, the petition shall be filed with the Appeals Council. The petition shall be in writing and state the reasons why the request or action was not filed within the required time. For good cause shown a presiding officer or the Appeals Council may extend the time for filing such request for hearing and the Appeals Council may extend the time for requesting review or commencing civil action.

(b) *Where civil action commenced against wrong defendant.* If a party to a decision of the Appeals Council, or to a decision of the presiding officer where the request for review of such decision is denied (see § 416.1464), timely commences a civil action in a district court as provided by section 1631(c)(3) of the Act, but names as defendant the United States or any agency, officer, or employee thereof instead of the Secretary either by name or by official title, and causes process to be served in such action as required by the Federal Rules of Civil Procedure, the Administration shall mail to such party notice that he has named the incorrect defendant in such action; and the time within which such party may commence the civil action pursuant to section 1631(c)(3) against the Secretary shall be deemed to be extended to and including the 60th day following the date of mailing of such notice.

§ 416.1474 Good cause for extension of time.

"Good cause" may be found for failure to file a timely request for hearing or review of a hearing decision or for commencing a civil action in a district court when an individual establishes to the satisfaction of the Administration that such failure to file was due to:

(a) Circumstances beyond the individual's control, such as extended illness, mental or physical incapacity, or communication difficulties; or

(b) Incorrect or incomplete information furnished the individual by the Administration; or

(c) The individual requested and received a further explanation of the prior determination or decision within the specified time period for filing appeal and promptly filed his request for appeal thereafter; or

(d) The individual was actively seeking evidence in suport of his claim and he was unaware that such evidence could be submitted afterwards; or

(e) Unusual or unavoidable circumstances, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

[FR Doc.74-3773 Filed 2-14-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 152]

[Docket No. 13531; Notice No. 74–4]

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Proposed Implementation Procedures

On June 18, 1973, the Airport Development Acceleration Act of 1973 (Pub. L. 93–44), amending the Airport and Airway Development Act of 1970 (84 Stat. 219) was approved. Pub. L. 93–44 provides generally for increases in the United States' share of allowable project costs under the Airport and Airway Development Act of 1970, with specific provisions relating to security and safety equipment required by FAA regulations. This notice of proposed rulemaking is being issued as one of the preliminary steps in the implementation of Pub. L. 93–44.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C., 20591. All communications received on or before March 18, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 152 of the Federal Aviation Regulations prescribes the policies and procedures for administering the Airport Development Aid Program for airport development and planning grant projects under the Airport and Airway Development Act of 1970.

In order to implement the Airport Development Acceleration Act of 1973, the FAA has issued notices of proposed rulemaking which propose amendments to Parts 107 and 139 of the Federal Aviation Regulations (Notices 73–30 and 73–31, published in the FEDERAL REGISTER on December 21, 1973, 38 FR 35016 and 35017), to make security and safety equipment required thereunder eligible for increased Federal funding as adopted under the Act. This proposal to amend Part 152 is therefore necessary in order to provide the mechanisms for implementing both the Airport Development Acceleration Act of 1973 and requirements to be adopted under Parts 107 and 139. The following proposals represent the primary substantive changes that would be necessary to achieve implementation:

1. It is proposed to amend § 152.37 to provide that security and safety equipment required under Parts 107 and 139 is eligible for funding increases, and is not subject to the 10 percent limitation on increases in approved Federal participation prescribed therein.

2. Sections 152.41 and 152.45 would be amended to provide that security and safety equipment required under Parts 107 and 139 is eligible for inclusion in airport development projects.

3. In addition, it is proposed to amend § 152.47 to permit as an allowable project cost, the cost of acquiring security and safety equipment required under Parts 107 and 139. Also, § 152.47 would be amended to permit as an allowable project cost, the cost of such security and safety equipment which was incurred prior to the grant agreement, if incurred after September 28, 1971, in the case of security equipment, or after May 10, 1971, in the case of safety equipment, as provided by the Airport Development Acceleration Act of 1973.

4. An important amendment made to the Airport and Airway Development Act of 1970 is the increase in the percentage of United States' participation in airport development projects. It is proposed to amend § 152.49 to implement the new percentage ceilings applicable to United States' participation in airport development projects. As proposed, and as required by the Airport Development Acceleration Act of 1973, the following United States' share of allowable project costs would apply:

a. For sponsors whose airports enplane not less than one percent of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, participation not to exceed 50 percent; and

b. For sponsors whose airports enplane less than one percent of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board, and for sponsors of general aviation or reliever airports, participation not to exceed 75 percent.

In addition, it is proposed to add the cost of security and safety equipment required by Parts 107 and 139 to the list of costs which permit United States' participation not in excess of 82 percent. Special provisions for airport development projects in public land states are proposed which would recognize the increase to a 75 percent United States' share of allowable project costs. As proposed, an additional table would be added to § 152.49(c) to reflect this increase.

5. A new § 152.110 would be added to permit costs for items which serve both a safety or security purpose and another acceptable airport development purpose to be eligible for inclusion in an airport development project as either a safety or security equipment cost, or as an ordinary project cost. This provision is proposed to give the FAA discretion in determining the level of United States' participation in a given airport development project.

As pointed out in Notices 73–30 and 73–31, many master security plans and airport operations manuals previously have been approved which include security and safety equipment in excess of or differing from those required for approval of the plan or for certification. The FAA will examine applications for funding security and safety equipment under the Airport and Airway Development Act of 1970, as amended by Pub. L. 93–44 (which, as noted, includes a provision for retroactive funding not to exceed 82 percent of the allowable cost of required security and safety equipment) to determine eligibility and extent of funding in accordance with Part 152.

In addition to the proposals enumerated above, several editorial proposals have been made to reflect changes in the Airport Development Aid Program made necessary by the Airport Development Acceleration Act of 1973.

These amendments are proposed under the authority of sections 11 through 27 of the Airport and Airway Development Act of 1970 (84 Stat. 220–233), the Airport Development Acceleration Act of 1973 (Pub. L. 93–44); and § 1.47(g)(1) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.47(g)(1)).

In consideration of the foregoing, it is proposed to amend Part 152 of the Federal Aviation Regulations as follows:

1. By amending the first sentence of paragraph (a) of § 152.3 to read as follows:

§ 152.3 National Airport System Plan.

(a) *Preparation and revision of plan.* Under the Airport and Airway Development Act of 1970, as amended, the FAA is directed to prepare and publish before May 21, 1973, and thereafter to review and revise, as necessary, a "National Airport System Plan" for the development of public airports in the United States.

* * * * *

§ 152.29 [Amended]

2. By adding the words "or an agency thereof" immediately following the words "United States" in paragraph (c)(2) of § 152.29.

3. By amending paragraph (b) of § 152.37 to read as follows:

§ 152.37 Procedures: grant agreement; amendment.

* * * * *

(b) *Change in grant agreement.* The Administrator and the sponsor may agree to a change in a grant agreement, subject to the following conditions:

(1) The change provides for airport development that meets the requirements of Subparts B and C of this part, relocation expenses, or the costs of security and safety equipment under Parts 107 or 139 of this chapter.

(2) The change (except for the costs of security and safety equipment required under Parts 107 or 139 of this chapter) does not increase the maximum obligation of the United States under the grant agreement by more than 10 percent. No part of the first $25,000 of the cost to a sponsor of providing payments and assistance to a displaced person under section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), on account of any acquisition or displacement occurring prior to July 1, 1972, is included as part of the change

for determining whether the increase exceeds 10 percent. No part of the cost allowed under section 211(c) of the Act is included in determining the maximum obligation of the United States and any 10 percent increase under this paragraph.

(3) The change does not prejudice the interests of the United States.

* * * * *

4. By amending paragraph (a) of § 152.41 by:

a. Deleting the words "or (4)" in subparagraph (5) and inserting in lieu thereof the words "(4), or (6);" and

b. Adding a new subparagraph (6) to read as follows:

§ 152.41 Airport development and facilities to which Subparts B and C apply.

(a) * * *

(6) Any security equipment required under Part 107 at this chapter.

* * * * *

5. By amending paragraph (c) of § 152.45 by amending subparagraph (13) and adding a new subparagraph (16) to read as follows:

§ 152.45 Project eligibility.

* * * * *

(c) *Eligible kinds of airport development.* * * *

(13) Safety equipment, including firefighting and rescue equipment, required under Part 139 of this chapter for airport certification. Items that are consumed in the use, operation, or maintenance of that equipment are not eligible for replacement funding.

* * * * *

(16) Security equipment required under Part 107 of this chapter. Items that are consumed in the use, operation, or maintenance of that equipment are not eligible for replacement funding.

* * * * *

6. By amending § 152.47 by adding new paragraph (a) (9) and (10), and by amending paragraph (c)(3) to read as follows:

§ 152.47 Project costs.

(a) * * *

(9) Acquiring safety equipment required under Part 139 of this chapter for airport certification.

(10) Acquiring security equipment required under Part 107 of this chapter.

* * * * *

(c) * * *

(3) Have been incurred after the date the grant agreement was executed, except that—

(i) Costs of land acquisition, field surveys, planning, preparing plans and specifications, and administrative and incidental costs, may be allowed even though they were incurred before that date, if they were incurred after May 13, 1946; and

(ii) Costs incurred in the acquisition of safety and security equipment under Part 139 or 107 of this chapter may be allowed if such safety and security equipment was acquired after May 10, 1971, or September 28, 1971, respectively.

* * * * *

7. By amending paragraphs (b), (c), (d), and (e) of § 152.49 as follows:

§ 152.49 United States share of project costs.

* * * * *

(b) *United States' share.* Except as provided in paragraphs (c), (d), (e), and (f) of this section and Subpart C of this part, the United States' share of the allowable costs of an approved project for airport development may not exceed:

(1) Fifty percent in the case of a sponsor whose airports enplane not less than one percent of the total of passengers annually enplaned by air carriers certificated by the Civil Aeronautics Board; and

(2) Seventy-five percent in the case of a sponsor whose airports enplane less than one percent of the total of passengers annually enplaned by air carriers certificated by the Civil Aeronautics Board, and general aviation or reliever airports.

(c) * * *

State	Percent	Percent
Alaska	62.50	93.75
Arizona	60.65	90.98
California	53.72	80.59
Colorado	52.68	79.02
Idaho	55.76	83.64
Montana	52.98	79.46
Nevada	62.50	93.75
New Mexico	56.11	84.16
Oregon	55.69	83.54
South Dakota	52.58	78.87
Utah	60.63	90.95
Washington	51.53	77.30
Wyoming	56.40	84.61

(d) *Eighty-two percent share.* The United States' share of the costs of an approved project, representing the costs of any of the following, may not exceed 82 percent:

* * * * *

(4) The costs of safety equipment, required under Part 139 of this chapter for airport certification, included in project grant agreements made after May 10, 1971.

(5) The cost of security equipment, required under Part 107 of this chapter, included in project grant agreements made after September 28, 1971.

(e) *Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.*

The United States' share of costs of any approved project in the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands may not exceed 75 percent.

* * * * *

8. By amending the flush paragraph immediately following paragraph (b) of § 152.103 to read as follows, and by deleting the words "at 50 percent" wherever they appear in paragraph (c) of § 152.103 and inserting in lieu thereof the words "at the applicable percentage prescribed in § 152.49(b)."

§ 152.103 Lighting and electrical work: Specific.

* * * * *

(b) * * *

A runway that is eligible for lighting, but does not meet the requirements for 82 percent United States' participation under § 152.49(d), is eligible for the applicable percentage under § 152.49(b) for United States' participation in the cost of high intensity runway edge lighting, if the airport is served by a navigational aid that will allow nonprecision instrument approach procedures; however, in public land states, the United States' participation shall not exceed 75 percent. In the case of a runway which is not eligible for 82 percent United States' participation nor United States' participation under § 152.49(b) in high intensity runway edge lighting, but is otherwise eligible for runway lighting, the United States' share of the cost of high intensity runway edge lighting is the applicable percentage under § 152.49(b) of the lighting installed, but not more than such applicable percentage of the cost of medium intensity lighting.

* * * * *

9. By adding a new § 152.110 immediately following § 152.109, to read as follows:

§ 152.110 Items of ordinary airport development also serving a security or safety purpose.

Cost of items of ordinary airport development which will also serve a security or safety purpose are eligible for inclusion in a project under § 152.49 (b) or (c), as appropriate, as an ordinary project cost, or under § 152.49(d) (4) or (5) as a cost of security or safety equipment. Such costs shall be clearly indicated and documented according to the category of cost in which submitted.

10. By amending paragraph (a) of § 152.111 to read as follows:

§ 152.111 Fences; navigational and landing aids; boundary markers; off-site work.

(a) *Boundary or perimeter fence.* Boundary or perimeter fences are eligible for inclusion in a project.

* * * * *

Issued in Washington, D.C., on January 24, 1974.

WILLIAM V. VITALE,
Acting Director,
Airports Service.

[FR Doc.74-3728 Filed 2-14-74;8:45 am]

[14 CFR Ch. I]

[Docket No. 13542; Notice No. 74-5]

AIRWORTHINESS REVIEW PROGRAM

Notice of Invitation To Submit Proposals for Consideration During the 1974–75 Airworthiness Regulations Review

The Federal Aviation Administration hereby gives public notice of the 1974–75

airworthiness review program. The airworthiness review encompasses the certification and operating regulations containing airworthiness standards and related procedural requirements. The program will be administerd by the Airworthiness Review Staff, a new office created for that purpose and reporting directly to the Director of Flight Standards Service. The airworthiness review will proceed according to the schedule contained in Appendix A to this notice.

Interested persons, including manufacturers and users of aircraft and their components, and the general public, both foreign and domestic, and foreign airworthiness authorities, are invited to submit any proposals they deem appropriate for amendments of the airworthiness regulations. All proposals should be submitted in duplicate to the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS–77, 800 Independence Avenue SW., Washington, D.C. 20591. In order to receive proper consideration, proposals must be within the scope of the 1974–75 airworthiness review as set forth in this Notice and must be received not later than April 15, 1974. Proposals that are received after that date may be deferred for consideration during a future airworthiness review.

The scope of the 1974–75 airworthiness review includes the following Federal Aviation Regulations (FARs) contained in Title 14 of the Code of Federal Regulations (14 CFR):

(1)

Part 21—Certification procedures for products and parts.
Part 23—Airworthiness standards: normal, utility, and acrobatic category airplanes.
Part 25—Airworthiness standards: transport category airplanes.
Part 27—Airworthiness standards: normal category rotorcraft.
Part 29—Airworthiness standards: transport category rotorcraft.
Part 31—Airworthiness standards: manned free ballons.
Part 33—Airworthiness standards: aircraft engines.
Part 35—Airworthiness standards: propellers.

(2) Those sections of the following FAR Parts that contain airworthiness requirements or that contain performance operating limitations that are related to type certification performance requirements:

Part 91—General operating and flight rules.
Part 121—Certification and operations: domestic, flag, and supplemental air carriers and commercial operators of large aircraft.
Part 133—Rotorcraft external-load operations.
Part 135—Air taxi operators and commercial operators of small aircraft.

(3) Those sections of the following FAR Parts which may be related to proposals dealing with the above mentioned parts:

Part 36—Noise standards: aircraft certification.
Part 37—Technical standard order authorizations.
Part 43—Maintenance, preventive maintenance, rebuilding, and alteration.

In order to facilitate evaluation of the large number of proposals expected in response to this Notice, it is essential that each proposal be clearly stated and accompanied by adequate justification. The following format should be followed:

TITLE—(Indicate subject matter and affected regulations, if applicable.)

PROPOSAL—(Give specific FAR section, if applicable, and suggested language and/or indicate the precise objective being sought.)

JUSTIFICATION—(Give background of problem and reasons for proposals. Include or refer to any available supporting data.)

Proposals received by April 15, 1974, will be processed by the FAA, and a compilation of the proposals, together with identification of their proponents and the supporting data offered as justification will be distributed, not later than May 30, 1974, to known interested persons, for comment. At the time of that distribution a notice of the availability of the compilation will be published in the Federal Register to give all other interested persons the opportunity to comment upon them. In addition to proposals received from the public, the FAA may include in the compilation of proposals others that it considers appropriate for consideration during the review.

All comments on the compilation of proposals that are received before August 1, 1974, will be considered in preparing the final Agenda for the 1974–75 Airworthiness Review Conference, to be held at the Shoreham Hotel; 2500 Calvert St., NW.; Washington, D.C. 20008, beginning at 9:00 a.m. EDT, December 2, 1974.

The conference, which will be open to the public, is scheduled for 8 full working days, December 2, 1974, through December 11, 1974, but may be extended, if necessary for completion of the Agenda.

The conference record will be used in developing a Notice of Proposed Rule Making (NPRM), scheduled for publication in the FEDERAL REGISTER by May 30, 1975. The NPRM will provide the opportunity for further public comment on specific proposed amendments to the FARs, with the comment period open until September 1, 1975. Final rules to be adopted as a result of the airworthiness review will be published in the form of amendments to the FARs after consideration of the comments received in response to the NPRM. The publication of such amendments will be made in the FEDERAL REGISTER by February 13, 1976.

It should be noted that not all the proposals received in response to this Notice would necessarily be included in the compilation of proposals scheduled for distribution on May 30, 1974. Nor would all proposals included in that document necessarily be included in the Final Agenda for the Airworthiness Review Conference. Some proposals may be straight forward, noncontroversial, and adequately justified. Since no useful purpose would be served by including such items on the agenda, they will be held for inclusion in the NPRM. On the other hand, proposals which are not adequately justified, which require further research, or which the FAA believes could not result in fruitful discussion at the conference will be dropped or deferred for further study and possible consideration during future airworthiness reviews.

Appendix B to this Notice contains information as of February 1, 1974, on the status of the principal FARs involved in this review and a list of regulatory dockets concerning the airworthiness regulations. Some of those projects may be included for consideration in this airworthiness review; those that are at an advanced stage of processing may be completed independently of the airworthiness review.

Issued in Washington, D.C., on February 12, 1974.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

APPENDIX A—SCHEDULE OF 1974–75 AIRWORTHINESS REVIEW

February 15, 1974—Notice initiating 1974–75 Airworthiness Review and requesting proposals for amendments to the FARs.
April 15, 1974—End date for submittal of proposals.
May 30, 1974—Distribution of the compilation of proposals.
August 1, 1974—End date for submittal of comments on the proposals.
October 15, 1974—Distribution of Final Agenda for Conference.
December 2–11, 1974—Conference.
May 30, 1975—Issue Notice of Proposed Rule Making.
September 1, 1975—End date for comments on NPRM.
February 13, 1976—Issue Amendments to FARs.

APPENDIX B—STATUS OF PRINCIPAL AIRWORTHINESS PARTS AND A LIST OF REGULATORY DOCKETS CONCERNING AIRWORTHINESS

GENERAL AND MISCELLANEOUS

1. *Engine Airworthiness Review.* The intent of this project is to update and improve the engine airworthiness standards in FAR 33 and related aircraft airworthiness rules in FAR's 1, 21, 23, 25, 27, and 29. Proposed changes were published in Notice 71–12 (36 FR 8383, May 5, 1971; Regulatory Docket No. 11010). Issuance of final amendments is anticipated in the near future.

2. *Flight Systems, Inc., Petition to Amend FAR's 21, 61, 91. (Regulatory Docket No. 12492.)* Petitioner requests, insofar as pertinent, amendment of FAR 21 to permit issuance of experimental certificates for aircraft used as test beds to conduct research and development and for amendment of FAR 91 to permit such aircraft to carry persons and cargo for compensation and hire.

3. *ALPA Petition on Xenon Strobe Anti-Collision Lights (Regulatory Docket No. 13120).* This project involves a petition to change FAR's 23, 25, 27, 29, and 91 to require white strobe anticollision lights on all aircraft.

4. *Branson Engineering Company, Inc., Petition on Oxygen Supply (Regulatory Docket No. 13417).* This petition seeks to amend the oxygen supply requirements of section 121.333(e)(2) and 135.165(b)(2).

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

The latest amendment to Part 21 is Amendment 21-39 (Published in 38 FR 29596, October 26, 1973), effective December 1, 1973. This amendment prescribes compliance with Part 36 noise standards for newly produced airplanes of older type designs. Regulatory projects in process that may affect Part 21 and their current status are given in items 1 and 2 under General and Miscellaneous.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

The latest amendment to Part 23 is Amendment 23-14 (Published in 38 FR 31816, November 19, 1973), effective December 20, 1973. This amendment updated the airworthiness standards applicable to airplanes certificated under FAR 23. A regulatory project in process that may affect Part 23 and its current status is as follows (see also items 1 and 3 under General and Miscellaneous):

Crashworthiness for Small Airplanes (Regulatory Docket No. 10162). The purpose of this project is to consider improvement in the crashworthiness of small airplanes, including the installation of shoulder harnesses. Proposals were published in Notice 73-1 (Published in 38 FR 2985, January 31, 1973)

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

The latest amendment to Part 25 is Amendment 25-34 (Published in 37 FR 25354, November 30, 1972), effective December 31, 1972. This amendment prescribes additional security requirements for certain large passenger-carrying turbojet airplanes operated under FAR's 121, 123, and 135. Regulatory projects in process that may affect this part and their status are as follows (also see items 1 and 3 under General and Miscellaneous):

1. *Smoke Emission (Regulatory Docket No. 9611)*. The purpose of this project is to establish smoke emission standards for transport category airplane cabin interior materials. An Advance NPRM was issued on July 23, 1969. (Notice 69-30, published in 34 FR 12450, July 30, 1969).

2. *ALPA Petition on Take-off Flap Setting (Regulatory Docket No. 9632)*. This involves a petition to require means to prevent incorrect flap settings on transport category airplanes during takeoff.

3. *Cockpit Vision (Regulatory Docket No. 10769)*. The purpose of this project is to establish specific standards for cockpit vision. Proposed cockpit vision standards were promulgated in Notice 71-2B (Published in 37 FR 23574, November 4, 1972).

4. *Aerospace Industries Association of America, Inc. (AIA) Petition for Miscellaneous Changes to FAR 25 (Regulatory Docket No. 11671)*. This petition seeks to change FAR's 25.251, 25.303, 25.305(b), 25.571(e)(2), 25.683, 25.934, 25.959, 25.1103(d), 25.1333(b), and 25.1435(a)(4).

5. *Aviation Consumer Action Project Petition for Fuel System Inerting (Regulatory Docket No. 12274)*. This petition seeks to require fuel system inerting for turbine-powered transport airplanes.

6. *ALPA Petition on Shoulder Harnesses (Regulatory Docket No. 13269)*. This petition seeks to require shoulder harnesses for all crewmembers of transport airplanes.

7. *AIA Petition on Equipment, Systems, and Installations (Regulatory Docket No. 13333)*. This petition seeks to amend section 25.1309.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

The latest amendment to this part is Amendment 27-8 (Published in 37 FR 20022, September 23, 1972), effective October 23, 1972. This amendment clarifies the requirements for rotorcraft manuals, markings, and placards. Regulatory projects in process that may affect this part and their status are given in items 1 and 3 under General and Miscellaneous.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

The latest amendment to this part is Amendment 29-9 (Published in 36 FR 21278, November 5, 1971), effective November 5, 1971. This amendment provides for the installation of rear position lights with minor obstructions in the field of coverage. Regulatory projects in process that may affect this part, and their status, are given in items 1 and 3 under General and Miscellaneous.

PART 31—AIRWORTHINESS STANDARDS: MANNED FREE BALLOONS

The latest amendment to this part is Amendment 31-2 (Published in 30 FR 3376, March 13, 1965), effective April 12, 1965. This amendment prescribes additional airworthiness requirements.

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

The latest amendment to this part is Amendment 33-4 (Published in 36 FR 5490, March 21, 1971), effective on April 23, 1971. This amendment revised the fire detector and engine power response requirements. A project in process which affects this part is described in item 1 under General and Miscellaneous.

PART 35—AIRWORTHINESS STANDARDS: PROPELLERS

The latest amendment to this part is Amendment 35-2 (Published in 32 FR 3733, March 4, 1967), effective on April 3, 1967. This amendment resulted in clarification and updating of the requirements of FAR 35.

[FR Doc.74-3768 Filed 2-14-74;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

PHASE IV PRICE REGULATIONS

Loss or Low Profit Amendments

As stated in CLC Notice 1973-4, November 30, 1973, the Cost of Living Council wishes to revise and restate its loss or low profit regulation (§ 150.201) in order to clarify a number of questions which have arisen concerning its terms and to more adequately provide for termination of loss or low profit relief.

In view of the technical nature of the proposed changes and the importance of the regulation to firms which may require or now enjoy loss or low profit relief, the Council is publishing this notice of proposed rulemaking to elicit public comment for a limited period of time. Interested persons are invited to participate by submitting written data, views or comments with respect to the proposed regulations set forth in this notice to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508. Submissions should be identified with the designation "Loss or Low Profit Regulation" and comments should be organized either on a section-by-section or issue-by-issue basis. At least 3 copies should be submitted. All comments received by the close of business on February 28, 1974, will be considered by the Council before the Council takes final action on the proposed regulations. The proposed regulations may be changed in light of the comments received.

Section 150.201, both as presently written and as under the proposed amendments, provides for termination of loss or low profit relief 45 days after the end of the fiscal quarter in which the firm concerned achieves its allowable profit margin. Because many firms' fiscal quarters conform to calendar quarters, and because 45 days after December 31, 1973, is February 14, 1974, the Council proposes that the amendments to § 150.201 be effective February 14, 1974, regardless of when the final amendments are promulgated. In view of the fact that the proposed amendments provide additional relief not previously available to firms whose authority to price under § 150.201 terminates, the Council believes that retroactive application of the final amendments will be desired by the firms concerned.

In general, the purpose of § 150.201 is to afford relief from price controls to firms which are in a loss or low profit position, in order to help assure that the Phase IV pricing limitations neither contribute to a worsened financial position for loss or low profit firms nor serve to hold them back from attainment of a reasonable level of profitability. The proposed amendments are designed to conform to this purpose and particularly to ensure that a firm which no longer needs loss or low profit relief can sustain a reasonable level of profitability without declining once again into a loss or low profit position.

The following explanation of the proposed changes is keyed to the existing internal structure of § 150.201 and is presented in sequential order. The discussion presupposes a familiarity with all of the loss or low profit rules.

Section 150.201 (a) *Applicability.* (1) No change, except that the term "minimum profit margin allowed" is changed to "allowable profit margin". The new term, which is the same as that used in the Phase II loss or low profit regulations, should avoid any misapprehension as to whether the profit margin allowed under § 150.201 is a "maximum" or a "minimum". Conceptually, the profit margin allowed under § 150.201, both in its present form and in proposed changed form, takes the place of a firm's base period profit margin for as long as the firm continues to qualify for loss or low profit relief, and it also serves as both a standard of eligibility for loss or low profit relief and as a "target" for pricing purposes under § 150.201.

(2) This paragraph sets forth the qualification test concerning payment of wages and salaries to employees who are owners of the firm. This paragraph has been rewritten to make clear that, in accordance with the Council's interpretation of this provision during Phase II and Phase III, the test is applied on an individual-by-individual basis and not on the basis of an employee unit or executive control group. Wage and salary rates

and increases in such rates are described in terms not previously contained in the Economic Stabilization Regulations. These terms are discussed below in the explanation of paragraph (f).

(b) *Definitions.* The special wage and salary terms developed for use in § 150.201(a)(2) and elsewhere in § 150.201 have been included. In addition, the term "minimum profit margin allowed" is omitted. A definition of the substituted term "allowable profit margin" is omitted as unnecessary. The definition of "relatives of an owner" is deleted as unnecessary since the definition of "owner", which is retained, includes those who as relatives of an owner are considered to be owners.

(c) *Calculation of allowable profit margin.* (1) A new paragraph (1) is included which restates the rule requiring exclusion of interest expense on long-term debt in calculating profit margin and makes it clear that that rule applies to calculation of both base period profit margin and current profit margin under § 150.201 and to both service activities and other activities. The present rule states that "calculations made pursuant to this section" shall exclude interest expense on long-term debt "in computing the profit margin" but questions have been raised concerning the scope of this rule. This change is consistent with the existing interpretation of this provision.

(2) *Service activities.* This is the same as the existing § 150.201(c)(1) with no change.

(3) *Other activities.* This is the same as the existing § 150.201(c)(2) and is unchanged except that the rule concerning treatment of interest expense on long-term debt has been moved to § 150.201(c)(1). There is no change in the table of capital turnover ratios.

(d) *Alternative fiscal period.* No change.

(e) *Pricing.* No change, except that the rule permitting a firm to increase any of its prices by an amount reasonably calculated to result in the allowable profit margin by "the end of its third fiscal quarter" has been changed so that the target is "the end of any fiscal quarter ending after the firm qualifies" for loss or low profit relief. The Council believes that the "third fiscal quarter" rule, borrowed from Phase II, does not have any particular significance for Phase IV purposes and that a firm should have the flexibility to set prices at the level which will terminate loss/low profit relief at the end of any quarter in Phase IV.

(f) *Compensation limitations.* In parallel with the change discussed under § 150.201(a)(2), above, the language which states this rule has been revised to make clear that the limitation on wages and salaries of employees who are owners applies to individuals and not to groups. This limitation applies during the period in which a firm is entitled to loss or low profit relief, as distinguished from the equivalent limitation imposed in § 150.201(a)(2) concerning eligibility for loss or low profit relief.

For purposes of the loss/low profit rules, new concepts relating to compensation have been created. Levels of compensation are measured with respect to individual employees who are owners of the firm (the prior language relating to "owners or relatives of an owner" has been simplified by including "relatives" within the meaning of "owner"). Under this regulation, compensation is considered to be composed of two elements, wages and salaries and incentive compensation.

"Wages and salaries" includes salary and included and qualified benefits (as defined in 6 CFR Part 201). This form of compensation is expressed in terms of an "individual annual compensation rate". Paragraph (f) provides that authority to price under the section terminates if the individual annual compensation rate of any employee that is an "owner" increases by more than the general wage and salary standard established under the wage control regulations (6 CFR Parts 152 and 201). If an owner-employee receives wages and salaries at an individual annual compensation rate of $20,000 per year, that rate may be increased to not more than $21,100 without causing the firm to lose its loss/low profit qualification. The individual annual compensation rate is the highest rate in effect at any time during a fiscal year, and its determination does not depend on the length of time that the rate is in effect during the year.

"Incentive compensation" includes bonuses, phantom stock awards, performance share awards, employer contributions to certain stock purchase, stock bonus, or profit sharing plans, stock options not "qualified" under § 201.76(b) or § 152.126, and all other items treated as incentive compensation under Subpart K of Part 152. For purposes of loss/low profit qualification, incentive compensation is measured as a "level" rather than a rate. Payment, award, or grant of incentive compensation in excess of the "maximum individual incentive level" for an owner-employee during a fiscal year causes a firm to lose its loss/low profit qualification. With respect to any given year, an employee's "level" is a dollar amount determined by reference to the compensation paid to the employee during the three fiscal years preceding the fiscal year in question. Total incentive payments, awards, or grants during this "base period" (expressed in dollars) are divided by the total amount of base salary paid to the employee during the period. The resulting fraction is called the "individual apportionment factor" and for purposes of paragraph (f) is multiplied by the highest annual salary rate in effect during the fiscal year to determine the "maximum individual incentive level".

These concepts have not previously been employed under the Economic Stabilization Program, either in previous versions of the loss/low profit rule or in the mandatory or voluntary wage control rules. The Council believes that the approach reflected in paragraphs (a)(2) and (f), using the new definitions in paragraph (b), may be readily applied to most situations with little difficulty. These new rules do not constitute a mandatory wage control structure; they merely provide measuring devices for the determination of eligibility and qualification to price under the loss/low profit rules. These new rules do not replace any limitations that may be applicable to a firm's pay adjustments under the provisions of Part 152; they do not, for example, relieve a firm of its obligation to comply with the rules governing executive control groups (see § 152.130).

(g) *Reporting.* No change except for a conforming change in both paragraphs (g)(1) and (g)(2) which provide for the reporting of compliance with the compensation limitations as restated in § 150.201(f). In addition, the references in paragraphs (g)(1) and (g)(2) to "Schedule R to Form CLC–22 completed in Parts I through V" are clarified to read "Form CLC–22 completed in Parts I through V, including a Schedule R." Finally, this section is changed to make it clear that the quarterly reporting requirements of Subpart H apply to any firm which qualifies for loss/low profit relief and that compliance with paragraph (f) must be reported quarterly.

(h) *Termination of loss or low profit relief.* This section has been extensively revised. It provides the following rules:

(1) The existing rule requiring termination of loss or low profit relief at the end of the fiscal year is eliminated. The Council believes that this rule is unnecessary in view of the adequacy of the quarterly reports in monitoring compliance and in view of the proposed expanded rules providing for termination of loss or low profit relief upon reaching the allowable profit margin.

(2) The rule which states that a firm which has approached its allowable profit margin within .01 percent has reached its allowable profit margin is retained. However, the rule is restated for greater clarity.

(3) Questions concerning the meaning of reaching ".01 percent at an annual rate" have been dealt with by eliminating the words "at an annual rate" and by providing a new rule. Under the new rule, a firm which achieves its allowable profit margin may continue to qualify for loss or low profit relief if, within 45 days after the quarter in which it reaches its allowable profit margin, it submits documentation which demonstrates to the Council's satisfaction that by reason of seasonal patterns or other temporary distortions its profit margin is at a rate which, when projected for the full fiscal year, is less than its allowable profit margin. However, the firm must price in accordance with the proposed new rules governing firms whose loss or low profit pricing authority has terminated until it has received a written response from the Council authorizing the firm to continue to price as a loss or low profit firm.

(4) Upon termination of loss or low profit relief, the firm's base period profit margin under the existing rule is its allowable profit margin. Under the proposed rule, the base period profit margin is the allowable profit margin or the

firm's base period profit margin as calculated under Subpart B of the regulations, whichever is greater. This change is designed to take into account those firms which had a higher base period profit margin than that allowed under § 150.201 and which view the existing rule as imposing an unreasonable restriction upon post-loss/low profit pricing.

(5) In addition, the proposed rules make it clear that current profit margin after loss/low profit relief has terminated is calculated with interest expense on long-term debt included as operating expense (as is the case with non-loss/low profit firms). This means that current profit margin is likely to be below allowable profit margin since operating expense will immediately be increased in most cases. Some firms had expressed concern that if the treatment of interest expense on long-term debt under § 150.-201 is continued in calculating profit margin after loss/low profit relief is terminated they would probably have to immediately reduce prices since they had already reached the allowable profit margin. The proposed clarification avoids this misapprehension.

(6) A new rule corresponding in some ways to the adjusted freeze price rule is proposed for pricing just after loss/low profit relief is terminated. A firm may continue to charge, without cost-justification or prenotification but subject to the new profit margin limitation, the highest price at or above which at least 10 percent of the items concerned were priced in transactions with the class of purchaser concerned during the 45 days prior to termination of loss/low profit relief. This rule takes into account the fact that price levels upon termination of § 150.201 relief will probably be in excess of cost-justified levels and adjusted freeze price levels. To require immediate application of cost-justification rules would probably result in price reductions which would quickly return the firm to a loss/low profit cycle. Therefore, existing price levels can be maintained provided that profit margin limitations as described herein are observed.

(7) As a further aid in placing a loss/low profit firm in a viable position without the need for a second round of loss/low profit relief, the Council proposes that price increases after § 150.201 relief is terminated should be permitted (subject to profit margin restraints) in the context of new base cost and base price periods. Unless these periods are moved forward, it is likely that the firm will fall back to a loss/low profit position. This is because a higher price level has to be fully cost-justified back to the base cost period. Thus, in order to increase prices the former loss/low profit firm would probably have to absorb substantial cost increases (at a time when it can ill afford to) before being able to raise prices to keep pace with higher 1974 cost levels. For manufacturing and service activities under Subpart E, it is proposed that the base cost and base price periods should be the last fiscal quarter which ended on or before December 31, 1973. This will provide a reasonably current base for new price increases. Similarly, the proposed pricing base period under Subpart K (wholesaling and retailing) is the last fiscal year ending prior to February 5, 1974, or the most recent four fiscal quarters ending prior to February 5, 1974.

(8) With respect to food manufacturing activities under § 150.606, the proposed revenue base period and the base cost period for food raw materials costs is the last fiscal year ending on or before December 31, 1973, and the base cost period for costs other than food raw material costs is the next succeeding fiscal quarter. This updates the base periods while maintaining the same relationship between the revenue base period and the separate base cost periods as is present in § 150.607. Similarly, the proposed pricing base period for food retailing under § 150.604(b)(1) is either one of the last two fiscal years which ended prior to February 5, 1974, or the most recent four consecutive fiscal quarters ending prior to February 5, 1974.

(9) All other applicable pricing rules of Part 150 would apply except as indicated above.

Some firms have objected to the special rule for qualification for loss/low profit relief concerning exclusion of interest expense on long-term debt in calculating profit margin. However, the Council has retained this rule because it continues to believe it is appropriate. Under § 150.201, long-term indebtedness is permitted to be taken into account in calculating the capital turnover ratios upon which all of the allowable profit margins are based. Pricing under § 150.201 is completely unrestricted except with respect to the allowable profit margin limitation. It is therefore appropriate to test qualification for this pricing relief on the basis of the firm's profit margin calculated with interest expense on long-term debt excluded as an operating item.

With the added relief and pricing flexibility afforded under these proposed rules, the Council believes that it can achieve its goal of providing adequate pricing relief to loss or low profit firms and at the same time, within the constraints of its overall anti-inflationary responsibilities, permitting and encouraging such firms to return to profitable operation.

In consideration of the foregoing, it is proposed to amend § 150.201 of Title 6, Code of Federal Regulations, as set forth below, effective February 14, 1974.

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

Issued in Washington, D.C., on February 13, 1974.

JAMES W. MCLANE,
Deputy Director.

It is proposed to amend § 150.201 to read as follows:

§ 150.201 Loss or low profit firms.

(a) *Applicability.* This section applies to any firm which—

(1) Has estimated and has prepared supporting documentation in accordance with paragraph (g) of this section that for its current fiscal year it will have a profit margin less than the allowable profit margin as computed in accordance with paragraph (c) of this section; and

(2) Has not paid any of its employees who are owners, with respect to any part of the fiscal year on the basis of which qualification to price pursuant to this section is determined, either wages and salaries at a rate in excess of the maximum individual wage level or incentive compensation in excess of the maximum individual incentive level. For purposes of this paragraph, wages and salaries shall be expressed in terms of an individual annual compensation rate in effect on a specific day; incentive compensation shall be expressed in terms of dollars per year and shall include the value of all items of incentive compensation paid, awarded, or granted, or projected to be paid, awarded, or granted, immediately or on a deferred basis, with respect to the fiscal year concerned.

(b) *Definitions.*—For the purposes of this section—

"Base period" means, with respect to paragraphs (a)(2) and (f) of this section, the three fiscal years immediately preceding the fiscal year with respect to which the maximum individual incentive level is determined.

"Firm" means either (1) a parent and its consolidated entities; or (2) an unconsolidated entity.

"Incentive compensation" means incentive compensation as defined in § 152.122 of this title, except the term does not include stock options subject to § 201.76(b) or § 152.126 of this title.

"Individual annual compensation rate" means the total of an annual salary rate plus an annual rate of expenditures for included benefits and an annual rate of expenditures for qualified benefits (determined with reference to actual expenditures or by means of proration based on the relationship of the employee's annual salary rate to the average annual salary rate in effect with respect to the appropriate employee unit of which such employee is a member). Such rates shall be determined in accordance with Subpart E of Part 201 of this title.

"Individual apportionment factor" means, with respect to an individual employee, a fraction, the numerator of which shall be the total of all items of incentive compensation (valued and expressed in dollars) paid, awarded, or granted to such employee with respect to the base period, and the denominator of which shall be the total amount of base salary (expressed in dollars and not as a rate) received by such employee with respect to the base period.

"Maximum individual incentive level" shall be computed with respect to an individual employee and a fiscal year by

multiplying the highest annual salary rate (expressed in dollars per year) in effect during such fiscal year with respect to such employee by the individual apportionment factor. The product of such multiplication shall be expressed in dollars per year.

"Maximum individual wage level" means, with respect to an individual employee, an individual annual compensation rate (expressed in dollars per year) that is equal to the sum of such employee's individual annual compensation rate (determined with respect to the day before the fiscal year) plus an increase in such rate that is not in excess of the general wage and salary standard, computed in accordance with Parts 152 and 201 of this title. A qualified benefits standard (determined pursuant to § 201.59 of this title) shall be applied.

"Owner" means a person who owns (or is considered to own within the meaning of 26 U.S.C. § 318(a)(1)), on any day of the fiscal year concerned, more than 5 percent of the outstanding stock of the firm.

(c) *Calculation of allowable profit margin*—(1) *General.* For purposes of determining whether a firm qualifies for los or low profit relief under this section and whether a firm which has priced pursuant to this section continues to qualify for that relief, all calculations made pursuant to this section shall be consistent with instructions to the Form CLC–22 except that interest expense on long-term debt shall not be included as an operating expense in computing base period or current profit margin under this section.

(2) *Service activities.* For any firm which during its most recently completed fiscal year derived at least 90 percent of its annual sales or revenues from the furnishing of services, the allowable profit margin is 1 percent.

(3) *Other activities.* For any other firm, the allowable profit margin is that corresponding to the firm's capital turnover ratio and is set forth in Column B of the table which immediately follows. The capital turnover ratio is computed by dividing the net sales for the most recently completed fiscal year or the alternative fiscal period by average total capital (long-term debt plus owner's equity, less investments, the income from which is included in nonoperating income) for that fiscal year or alternative fiscal period. The average total capital for a fiscal year or alternative fiscal period is computed by adding the outstanding total capital at the beginning of the fiscal year or alternative fiscal period to the outstanding total capital at the end of that fiscal year or alternative fiscal period, and dividing the sum by two:

Column A— *Capital turnover ratio*	*Column B*— *margin (percent) Allowable profit*
Less than 3.4	3.0
3.4 or more, but less than 3.6	2.9
3.6 or more, but less than 3.7	2.8
3.7 or more, but less than 3.8	2.7
3.8 or more, but less than 4.0	2.6
4.0 or more, but less than 4.2	2.5
4.2 or more, but less than 4.3	2.4
4.3 or more, but less than 4.5	2.3
4.5 or more, but less than 4.8	2.2
4.8 or more, but less than 5.0	2.1
5.0 or more, but less than 5.3	2.0
5.3 or more, but less than 5.6	1.9
5.6 or more, but less than 5.9	1.8
5.9 or more, but less than 6.3	1.7
6.3 or more, but less than 6.7	1.6
6.7 or more, but less than 7.1	1.5
7.1 or more, but less than 7.7	1.4
7.7 or more, but less than 8.3	1.3
8.3 or more, but less than 9.1	1.2
9.1 or more, but less than 10.0	1.1
10.0 or more, but less than 11.1	1.0
11.1 or more, but less than 12.5	0.9
12.5 or more, but less than 14.3	0.8
14.3 or more, but less than 16.7	0.7
16.7 or more, but less than 20.0	0.6
20.0 or more, but less than 25.0	0.5
25.0 or more, but less than 33.3	0.4
33.3 or more, but less than 50.0	0.3
50.0 or more	0.2

(d) *Alternative fiscal period.* The alternative fiscal period is the best two of the firm's base period years. For purposes of computing the alternative fiscal period capital turnover ratio of paragraph (c)(3) of this section, the firm shall add the net sales and average total capital, for the firm's two best base period years, and divide the sum by two.

(e) *Pricing.* Notwithstanding Subparts A, E, K, or Q, or the prenotification requirements of Subpart H of this part, but subject to paragraphs (f) through (h) of this section, a loss or low profit firm may, after August 12, 1973, increase any of its prices by an amount reasonably calculated to result by the end of any fiscal quarter ending after the firm qualifies to price in accordance with this section in a profit margin that does not exceed the allowable profit margin computed pursuant to this section.

(f) *Compensation limitations.* If a firm which prices pursuant to this section pays any of its employees who are owners, with respect to any part of a fiscal year during which the firm prices pursuant to this section, wages and salaries in excess of the maximum individual wage level or incentive compensation in excess of the maximum individual incentive level, authority to price pursuant to this section terminates. For purposes of this paragraph, wages and salaries shall be expressed in terms of an individual annual compensation rate in effect on a specific day; incentive compensation shall be expressed in terms of dollars per year and shall include the value of all items of incentive compensation paid, awarded, or granted, or projected to be paid, awarded, or granted, immediately or on a deferred basis, with respect to the fiscal year.

(g) *Reporting.* (1) Each price category I or price category II firm shall, before charging any price pursuant to this section, furnish to the Council sufficient financial data to support its loss or low profit position. The data submitted must include a Form CLC–22 completed in Parts I through V, including a Schedule R, for the current fiscal year on a projected basis and for any fiscal year used to calculate the allowable profit margin. Such data must also include a listing of all owners (identified individually by name and title) and an accounting of all wage and salary increases and incentive compensation payments, awards or grants put into effect or projected to be put into effect with respect to each such owner with respect to any fiscal year used to calculate the allowable profit margin and for the fiscal year or years in which prices are to be increased under this section. Such a firm may increase prices under this section after 30 days following the date of the receipt of that financial data by the Council unless, during that 30-day period, the Council suspends, modifies or disapproves that action. The Council may disapprove such action for a firm whose profit margin is at or above the average profit margin of other firms engaged in the same industry. In addition, each price category I and II firm which qualifies to charge prices pursuant to this section shall submit quarterly reports in accordance with Subpart H of this part which shall include sufficient data to demonstrate whether the firm compiled with paragraph (f) of this section for the quarter concerned.

(2) Each price category III firm shall, before charging any price under this section, prepare and maintain at its principal place of business sufficient financial data to support its loss or low profit position for that fiscal year. The data prepared must include a Form CLC–22 completed in Parts I through V, including a Schedule R, for the current fiscal year on a projected basis and for any fiscal year used to calculate the allowable profit margin. Such data must also include a listing of all owners (identified individually by name and title) and an accounting of all wage and salary increases and incentive compensation payments, awards or grants put into effect or projected to be put into effect with respect to each such owner with respect to any fiscal year used to calculate the allowable profit margin and for the fiscal year or years in which prices are to be increased under this section.

(h) *Termination of loss or low profit relief.* (1) The applicability of paragraph (e) of this section terminates at the end of the 45th day following the fiscal quarter in which a firm which has increased prices pursuant to this section achieves the allowable profit margin pursuant to this section. For purposes of this paragraph, a firm shall be deemed to have achieved the allowable profit margin computed pursuant to this section if for the fiscal quarter concerned it experiences a profit margin which is equal to the allowable profit margin or falls short of that profit margin by .01 percent or less. However, a firm which achieves for the fiscal quarter concerned the allowable profit margin pursuant to this section may continue to qualify for loss or low profit relief in accordance with this section if, within 45 days after the end of the fiscal quarter concerned, it submits documentation which demonstrates, to the satisfaction of the Council, that by reason of seasonal patterns

or other temporary distortions its profit margin is at a rate which, when projected for the full fiscal year, is less than the allowable profit margin pursuant to this section. A firm which seeks to demonstrate that it has not achieved on an annual basis the allowable profit margin remains subject to paragraphs (h)(2) and (h)(3) of this section after the 45-day period has elapsed and until it has received written approval from the Council to continue to price in accordance with paragraph (e) of this section.

(2) Upon termination of authority to increase prices in accordance with paragraph (e) of this section, all the price rules of this part apply, as applicable, except as modified by paragraph (h)(3) of this section.

(3)(i) The base period profit margin shall be the allowable profit margin calculated in accordance with this section or the base period profit margin calculated in accordance with Subpart B of this part, whichever is greater. In either event, the current profit margin shall be calculated with interest expense on long-term debt included as an operating expense in accordance with the definition of profit margin in § 150.31 of this chapter.

(ii) The rules concerning adjusted freeze price do not apply to a firm with respect to which authority to price in accordance with paragraph (e) of this section has terminated. However, that firm may continue to charge, without cost-justification and without prenotification but subject to the profit margin limitation, the highest price at or above which at least 10 percent of the items concerned were priced by the firm in transactions with the class of purchaser concerned during the 45 days prior to termination of authority to price in accordance with paragraph (e) of this section. Further price increases shall be subject to cost-justification and prenotification in accordance with this part, except as provided in paragraph (h)(3)(iii), (iv), (v) of this section.

(iii) With respect to any manufacturing and service activities subject to Subpart E of this part, a firm may use as a base price period the last fiscal quarter which ended on or before December 31, 1973, in which a transaction occurred with respect to the item and class of purchaser concerned and may use as a base cost period the last fiscal quarter which ended on or before December 31, 1973, in which costs were incurred with respect to the product line or service line concerned.

(iv) With respect to any wholesaling and retailing activities subject to Subpart K of this part, a firm may use as a pricing base period either the last fiscal year ending prior to February 5, 1974, or the most recent four fiscal quarters ending prior to February 5, 1974.

(v) With respect to any food manufacturing activities subject to § 150.606 of this title, a firm may use as a base period for revenue purposes and as a base cost period for food raw materials costs the last fiscal year ending on or before December 31, 1973, and may use as a base cost period with respect to costs other than food raw materials costs the next succeeding fiscal quarter. With respect to any food and non-food retailing activities subject to § 150.604(b)(1) of this title, a pricing entity may use as a pricing base period either one of the last two fiscal years which ended prior to February 5, 1974, or the most recent four consecutive fiscal quarters ending prior to February 5, 1974.

[FR Doc.74-3914 Filed 2-13-74;4:18 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules for Florida

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Florida's State Implementation Plan.

On June 1, 1973, and August 6, 1973, pursuant to 40 CFR 51.15, the State of Florida submitted for the Environmental Protection Agency's approval a number of compliance schedules. Several of these compliance schedules have been approved and appear in the September 19, 1973, FEDERAL REGISTER (38 FR 26324). This publication proposes that additional compliance schedules be approved. Each proposed compliance schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, NE.
Atlanta, Georgia 30309

Department of Pollution Control
2562 Executive Center Circle East
Montgomery Building
Tallahassee, Florida 32301

Florida Department of Pollution Control
3319 McGuire Boulevard
Orlando, Florida 32803

Each compliance schedule has been adopted by the Board of the Florida Department of Pollution Control and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of Florida.

An evaluation of the Florida compliance schedule submittal is available for public inspection at the Atlanta location listed above.

All interested parties are encouraged to submit written comments on the proposed compliance schedules. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Florida plan. Comments will be accepted until March 18, 1974. These should be addressed to the Director, Air and Water Programs Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309, Attention: Mr. Thomas A. Strickland.

(42 U.S.C. 1857c-5)

Dated: February 11, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart K—Florida

1. Section 52.524 is amended by adding new lines to the table in paragraph (c) as follows:

§ 52.524 **Compliance schedules.**

* * * * *

(c) * * *

AIR QUALITY CONTROL REGION NO. 5

BAY COUNTY

International Paper:					
Bark boiler No. 3 permit No. AO 03-693.	Panama City, Fla.	17-2.04(2)	May 15, 1973	Immediately	July 1, 1975
Bark boiler No. 4 permit No. AO 03-694.	do	17-2.04(2)	do	do	Do.

ESCAMBIA COUNTY

St. Regis Paper Co.:					
No. 1 lime kiln permit No. AO 17-539.	Cantonment, Fla.	17-2.04(2)	May 15, 1973	Immediately	July 1, 1975
No. 2 lime kiln permit No. AO 17-540.	do	17-2.04(2)	do	do	Do.
No. 3 lime kiln permit No. AO 17-541.	do	17-2.04(2)	do	do	Do.
No. 1 dissolving tank, No. 1 mill, permit No. AO 17-619.	do	17-2.04(2)	do	do	Do.
No. 2 dissolving tank, No. 1 mill, permit No. AO 17-620.	do	17-2.04(2)	do	do	Do.
No. 1 dissolving tank, No. 2 mill, permit No. AO 17-622.	do	17-2.04(2)	do	do	Do.
No. 2 dissolving tank, No. 2 mill, permit No. AO 17-623.	do	17-2.04(2)	do	do	Do.
No. 3 dissolving tank, No. 2 mill, permit No. AO 17-627.	do	17-2.04(2)	do	do	Do.
No. 4 dissolving tank, No. 2 mill, permit No. AO 17-628.	do	17-2.04(2)	do	do	Do.
No. 1, No. 2 recovery boiler, No. 1 mill, permit No. AO 17-624.	do	17-2.04(6)(d)1	do	do	Do.
No. 1, No. 2 recovery boiler, No. 2 mill, permit No. AO 17-625.	do	17-2.04(6)(d)1	do	do	Do.
No. 3, No. 4 recovery boiler, No. 2 mill, permit No. AO 17-629.	do	17-2.04(6)(d)1	do	do	Do.

GULF COUNTY

Basic Magnesia, Inc., periclase rotary kiln, permit No. AO 23-337.	Port St. Joe, Fla.	17-2.04(2)	do	do	Jan. 1, 1975
St. Joe Paper Co.:					
Power boiler No. 1, permit No. AO 23-443.	do	17-2.04(2)	do	do	June 30, 1975
Power boiler No. 2, permit No. AO 23-444.	do	17-2.04(2)	do	do	Do.
Recovery boiler No. 4, smelt tank, permit No. AO 23-458.	do	17-2.04(6)(d)(1)	do	do	Do.

AIR QUALITY CONTROL REGION NO. 48

ORANGE COUNTY

City of Orlando incinerator, permit No. SO 48-507.	Orlando, Fla.	17-2.04(6)a	Apr. 17, 1973	do	Jan. 1, 1975

AIR QUALITY CONTROL REGION NO. 49

GADSDEN COUNTY

Floridin Co. (Penn. Glass Sand Corp.):					
Stack No. 1 permit No. AO 20-2005.	Quincy, Fla.	17-2.04(2)	May 15, 1973	do	Feb. 1, 1973
Stack No. 2 permit No. AO 20-2004.	do	17-2.04(2)	do	do	Do.
Stack No. 3 permit No. AO 20-2003.	do	17-2.04(2)	do	do	June 1, 1974
Stack No. 14 permit No. AO 20-2006.	do	17-2.04(2)	do	do	Mar. 1, 1973
Stack No. 15 permit No. AO 20-2012.	do	17-2.04(2)	do	do	June 1, 1973
Higdon Furniture Co. permit No. AO 20-2019.	do	17-2.04(2)	do	do	Nov. 1, 1974

TAYLOR COUNTY

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Buckeye Cellulose Corp.:					
Recovery boiler No. 3 permit No. AO 62-2092.	Perry, Fla.	17-2.04(6)(d)1	do	do	July 1, 1975
Bark boiler permit No. AO 62-2093.	do	17-2.04(2)	do	do	Do.
Recausticizing vent permit No. AO 62-2094.	do	17-2.03(1)	do	do	June 1, 1975
Chlorine dioxide gen. exhaust permit No. AO 62-2095.	do	17-2.03(1)	do	do	Do.
Bleaching vents permit No. AO 62-2096.	do	17-2.03(1)	do	do	Do.
Digesting vents permit No. AO 62-2097.	do	17-2.03(1)	do	do	Do.
Brown stock washing exhaust permit No. AO 62-2098.	do	17-2.03(1)	do	do	Do.

AIR QUALITY CONTROL REGION NO. 52

HILLSBOROUGH COUNTY

Robbins Manufacturing Co., permit No. SO 29-2125.	Tampa, Fla.	17-2.04(6)a	do	do	Mar. 1, 1974

PASCO COUNTY

Lykes Pasco Packing Co. (citrus processing plant):					
D-9 rotary dryer permit No. AO 51-2059.	Dade City, Fla.	17-2.04(2)	do	do	July 1, 1975
D-5 rotary dryer permit No. AO 51-2060.	do	17-2.04(2)	do	do	Do.
D-6 rotary dryer permit No. AO 51-2061.	do	17-2.04(2)	do	do	Do.
D-7 rotary dryer permit No. AO 51-2062.	do	17-2.04(2)	do	do	Do.
D-8 rotary dryer permit No. AO 51-2063.	do	17-2.04(2)	do	do	Do.
D-10 rotary dryer permit No. AO 51-2065.	do	17-2.04(2)	do	do	Do.
D-11 rotary dryer permit No. AO 51-2066.	do	17-2.04(2)	do	do	Do.
D-12 rotary dryer permit No. AO 51-2067.	do	17-2.04(2)	do	do	Do.
D-13 rotary dryer permit No. AO 51-2068.	do	17-2.04(2)	do	do	Do.
D-14 rotary dryer permit No. AO 51-2069.	do	17-2.04)2)	do	do	Do.
D-15 rotary dryer permit No. AO 51-2070.	do	17-2.04(2)	do	do	Do.
D-16 rotary dryer permit No. AO 51-2071.	do	17-2.04(2)	do	do	Do.
D-17 rotary dryer permit No. AO 51-2072.	do	17-2.04(2)	do	do	Do.
D-18 rotary dryer permit No. AO 51-2073.	do	17-2.04(2)	do	do	Do.
Waste heat evaporator permit No. AO 51-2080.	do	17-2.04(2)	do	do	Do.

PINELLAS COUNTY

Florida Power Corp., Higgins Plants Nos. 4, 5, 6, 7 permit No. AO 52-2036.	Oldsmar, Fla.	17-2.04(6)(e)2c	do	do	Do.
H. P. Hood & Sons, Inc., citrus feed mill permit No. AO 52-2033.	Dunedin, Fla.	17-2.04(2)	do	do	Jan. 1, 1974
F. W. Woolworth:					
Store No. 6045 permit No. SO 52-2005.	St. Petersburg, Fla.	17-2.04(6)a	do	do	July 1, 1973
Store No. 6146 permit No. SO 52-2004.	do	17-2.04(6)a	do	do	Do.

POLK COUNTY

Agrico Chemical Co. permit No. AO 53-2145.	South Pierce, Fla.	17-2.04(3), (6)(b)(1)	do	do	July 1, 1975
Citrus World, Inc., peel dryer permit No. AO 53-566.	Lake Wales, Fla.	17-2.04(2)	do	do	June 1, 1974
Keen Fruit Corp. permit No. AO 53-2162.	Frostproof, Fla.	17-2.04(6)(e)	do	do	July 1, 1975

[FR Doc.74-3721 Filed 2-14-74;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the Saint Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), acting jointly with the St. Lawrence Seaway Authority of Canada, proposes to revise Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401 by consolidating the two subparts, resulting in Part 401, Subpart A—Seaway Regulations and reserving Subpart B for future use.

The Seaway Regulations and Rules were published initially in the FEDERAL REGISTER on July 1, 1958 (23 FR 5011–5013), to give users of the waterway essential information and directions for transiting. Each year, the regulations and rules have been reviewed and amended, using the experience gained from past navigation seasons in proposing necessary changes. The last major revision of the regulations and rules was published in the FEDERAL REGISTER on April 2, 1973 (38 FR 8433–8443).

The main purpose of this revision is to consolidate the regulations and rules into one set of regulations to eliminate repetition of the regulations in the rules and vice versa and for clarity. The substance of the present regulations and rules is being preserved; however, major additions, deletions and changes are discussed below. Much of the wording has necessarily been rearranged but not changed unless so noted in this preamble. The general changes throughout the entire document are the numbering which is continuous from § 401.1 through § 401.94 and where reference has been made to the Authority, separate reference will also be made to the Corporation.

Specific proposed amendments are as follows:

In § 401.2, "Definitions", the title would be changed to "Interpretation"; "Authority" would be altered to mean only the St. Lawrence Seaway Authority of Canada; an interpretation of "Corporation" would be added to define the Saint Lawrence Seaway Development Corporation; the meaning of "Navigation season" would be expanded to include the conditions under which the length of the season is determined; an interpretation of "preclearance" would be added; the interpretation of "Seaway" would be changed by omitting the words "that is under the jurisdiction of the Authority" and by changing the areas included to read "includes all locks, canals and connecting and contiguous waters"; and a definition for "Vessel traffic controller" would be added.

The new § 401.9, "Radiotelephone Equipment", formerly § 401.102–10, includes two new frequencies, i.e. 156.45 MHz, Channel 9, added to eliminate overlapping on 156.7 MHz by Seaway Beauharnois and Seaway Iroquois; and 156.65 MHz, Channel 13, added for expanded traffic control on Lake Ontario. Detailed regulations on radio communications are new §§ 401.60 to 401.65 and Schedule III—Calling-in Table, formerly §§ 401.103–1 through 401.103–6.

In the new § 401.10, "Mooring Lines", formerly § 401.102–11, the mooring table has been enlarged to include a breaking strength for ship's length of 401 ft. to 600 ft. and breaking strengths for some of the other lengths have been changed, since it was felt that the existing ranges were too great.

In the new § 401.11, "Fairleads", formerly § 401.102–12; the word "permanently" has been added before the words "fendered to prevent the lines from being pinched * * *", since it is found that portable fenders invariably break off, leaving the mooring wires vulnerable to being nipped between the lock wall and the ship's side.

In the new § 401.15, "Stern Anchors", formerly § 401.102–17, the recommendation for present vessels to be equipped with a stern anchor has been eliminated.

In the new § 401.21, "Rudder Angle Indicators", formerly § 401.102–22, the recommendation for the arrangement of the indicators or repeaters is now proposed to be a definite requirement.

The new § 401.23, "Liability Insurance", is a proposed new regulation which makes adequate coverage by liability insurance a condition of approval of preclearance. Also, on the preclearance application, new Schedule I, under Part I—Registration, 2. Insurance: the amount required per gross registered ton has been increased from $40.00 to $50.00.

The new § 401.26, "Security For Tolls" incorporates former § 401.4(d) regarding insufficient security for tolls, § 401.101–6, "Amount of Single Vessel Security", and § 401.101–7, "Amount of Fleet Security". An increase in the security for tolls from $1.00 to $1.10 per ton for aggregate maximum tonnage of a number of vessels owned or controlled by the same individual or company, and having the same representative, is being proposed along with the inclusion of amounts of security required for transit of the Welland Canal, which were previously omitted from the regulations.

The new § 401.28, "Speed Limits", incorporates former § 401.104–9, "Speed", and § 401.104–12, "Speed Passing Moored Vessel or Working Equipment". Additionally, the table of speed limits has been designated as Schedule II following the regulations and two sets of speed limits have been charted, one of which will be designated by the Corporation and the Authority from time to time as appropriate to existing water levels.

The new § 401.50, "Anchorage Areas", formerly § 401.104–29, is clarified by the addition of a statement prohibiting anchorage except in designated areas, unless necessary in an emergency or unless authorized by the vessel traffic controller.

The new § 401.69, "Hazardous Cargo Vessels", formerly § 401.105–6, in defining a hazardous cargo vessel, includes a reference to bulk chemical carriers, which are becoming increasingly numerous.

The new § 401.71, "Signals—Explosive and Hazardous Cargo Vessels", formerly § 401.105–8 and § 401.105–9, omits the requirement for a red light at night to eliminate confusion with navigation aid lights.

The new § 401.80, "Reporting Hazardous Cargo", proposes to require vessels carrying dangerous cargo less than the quantities prescribed as being those of a hazardous cargo vessel to provide 24-hour notice of arrival in the Seaway in addition to providing the nature, quantity and location of dangerous cargo on the vessel as an added precaution.

The new Schedule I, "Application for Preclearance Form", Part II, Information on Vessel, 4. Specifications: two new items are being added, i.e. Brake Horse Power and Ice Classification.

The full text of the proposed revision of Part 401 of the Seaway Regulations is as follows:

FOREWORD.—These revised Seaway Regulations replace all previous Regulations and are joint Regulations applicable to both United States and Canadian portions of the Seaway. They were made by the Saint Lawrence Seaway Development Corporation pursuant to the Act of May 13, 1954, Pub. L. 358, as amended, 33 U.S.C. 981–990 and Pub. L. 92–340 dated July 10, 1972. Insofar as they are applicable in Canada, they were made by the St. Lawrence Seaway Authority Act and approved by an Order in Council.

Section 20(2) of the St. Lawrence Seaway Authority Act makes the violation of a Seaway Regulation an offense punishable on summary conviction by a fine not exceeding one thousand dollars. The penalties for violation of Seaway Regulations occurring in waters under the jurisdiction of the St. Lawrence Seaway Development Corporation are found in Pub. L. 92–340, 86 Stat. 424 and more specifically, in Subpart C of this Part 401 of the Code of Federal Regulations. Any person, owner, charterer or master who fails or refuses to obey any of the Regulations shall be liable to a civil penalty of not more than ten thousand dollars. Additionally, any such person who willfully violates a Regulation shall be fined not less than five thousand or more than fifty thousand dollars or imprisoned for not more than five years, or both. Finally, a vessel by means of which the violation of a Regulation is committed shall be liable *in rem* and may be proceeded against accordingly.

The Seaway Regulations are published in the Seaway Handbook, which is distributed to vessel operators using the Seaway.

PART 401—SEAWAY REGULATIONS

Subpart A—Regulations

Sec.
401.1 Short title.
401.2 Interpretation.

CONDITION OF VESSELS

401.3 Maximum vessel dimensions.
401.4 Minimum length and weight.
401.5 Required equipment.
401.6 Draft markings.
401.7 Fenders.
401.8 Landing booms.
401.9 Radiotelephone equipment.
401.10 Mooring lines.
401.11 Fairleads.
401.12 Minimum requirements—mooring lines and fairleads.
401.13 Hand lines.
401.14 Anchor marking buoys.
401.15 Stern anchors.
401.16 Propeller direction alarms.
401.17 Pitch indicators.
401.18 Steering lights.
401.19 Sewage and garbage disposal systems.
401.20 Oily water separators.
401.21 Rudder angle indicators.

PRECLEARANCE AND SECURITY FOR TOLLS

401.22 Preclearance of vessels.
401.23 Liability insurance.
401.24 Application for preclearance.
401.25 Approval of preclearance.
401.26 Security for tolls.

SEAWAY NAVIGATION

401.27 Compliance with instructions.
401.28 Speed limits.
401.29 Maximum draft.
401.30 Adequate ballast and proper trim.
401.31 Meeting and passing.
401.32 Cargo booms—deck cargo.
401.33 Special instructions.
401.34 Vessels in tow.
401.35 Employment of tugs.
401.36 Order of passing through.
401.37 Mooring at tie-up walls.
401.38 Limit of approach to a lock.
401.39 Preparing mooring lines for passing through.
401.40 Entering a lock.
401.41 Tandem lockage.
401.42 Passing hand lines.
401.43 Mooring table.
401.44 Mooring in locks.
401.45 Emergency procedure.
401.46 Attending lines.
401.47 Leaving a lock.
401.48 Turning basins.
401.49 Dropping anchor or tying to a canal bank.
401.50 Anchorage areas.
401.51 Signaling approach to a bridge.
401.52 Limit of approach to a bridge.
401.53 Obstructing navigation.
401.54 Interference with navigation aids.
401.55 Searchlights.
401.56 Damaging or defacing Seaway property.
401.57 Disembarking or boarding.
401.58 Pleasure craft scheduling.
401.59 Pollution.

RADIO COMMUNICATIONS

401.60 Listening watch and notice of arrival.
401.61 Assigned frequencies.
401.62 Seaway stations.
401.63 Radio procedure.
401.64 Calling in.
401.65 Communication—ports, docks and anchorages.

DANGEROUS CARGO

401.66 Applicable laws.
401.67 Explosive vessels.
401.68 Explosives permit.
401.69 Hazardous cargo vessels.
401.70 Fendering—explosive and hazardous cargo vessels.
401.71 Signals—explosive and hazardous cargo vessels.
401.72 Reporting—explosive and hazardous cargo vessels.
401.73 Cleaning tanks—hazardous cargo vessels.

TOLL ASSESSMENT AND PAYMENT

401.74 Transit declaration.
401.75 Payment of tolls.
401.76 In-transit cargo.
401.77 Pleasure craft tolls.

INFORMATION AND REPORTS

401.78 Required information.
401.79 Advance notice of arrival, vessels requiring inspection.
401.80 Reporting hazardous cargo.
401.81 Reporting an accident.
401.82 Reporting mast height.
401.83 Reporting position at anchor, wharf, etc.
401.84 Loss of anchor.
401.85 Reporting navigation aid deficiencies.

DETENTION AND SALE

401.86 Security for damages or injury.
401.87 Detention for toll arrears or violations.
401.88 Power of sale for toll arrears.

GENERAL

401.89 Transit refused.
401.90 Boarding for inspection.
401.91 Removal of obstructions.
401.92 Wintering and lying-up.
401.93 Access to Seaway property.
401.94 Keeping copy of regulations.
Schedule I—Application for Preclearance Form.
Schedule II—Table of Speeds.
Schedule III—Calling-in Table.
Schedule IV—Addresses of Regional Directors.

AUTHORITY: 68 Stat. 92–97 (33 U.S.C. 981–990), as amended; Sec. 104, Pub. L. 92–340, 86 Stat. 424 (49 CFR 1.50a) (37 FR 21943).

Subpart A—Regulations

§ 401.1 Short title.

These regulations may be cited as the "Seaway Regulations."

§ 401.2 Interpretation.

In the regulations in this part:

(a) "Authority" means the St. Lawrence Seaway Authority;

(b) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(c) "Navigation season" means the annual period designated by the Corporation and the Authority, that is appropriate to weather and ice conditions or vessel traffic demands, during which the Seaway is open for navigation;

(d) "Officer" means a person employed by the Corporation or the Authority to direct some phase of the operation or use of the Seaway;

(e) "Passing through" means in transit through a lock or through the waters enclosed by the approach walls at either end of a lock chamber;

(f) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(g) "Preclearance" means the authorization given by the Corporation or the Authority for a vessel to transit;

(h) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for preclearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(i) "Seaway" means the deep waterway between the Port of Montreal and Lake Erie and includes all locks, canals and connecting and contiguous waters that are part of the deep waterway, and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Corporation or the Authority;

(j) "Seaway station" means a radio station operated by the Corporation or the Authority;

(k) "Towed" means pushed or pulled through the water;

(l) "Transit" means to use the Seaway, or a part of it, either upbound or downbound;

(m) "Vessel" means any type of craft used as a means of transportation on water; and

(n) "Vessel traffic controller" means the officer who controls vessel traffic from a Seaway station.

CONDITION OF VESSELS

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than seven hundred and thirty feet in overall length or seventy-five feet six inches in extreme breadth, including permanent fenders, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than one hundred and seventeen feet above water level.

(c) No vessel shall transit if any part of its bridges or anything on the vessel protrudes beyond the hull.

(d) No vessel shall transit if its discharge pipes can direct overboard discharge on to the top of a tie-up or lock wall.

§ 401.4 Minimum length and weight.

No vessel of less than twenty feet in overall length or one ton in weight shall transit the South Shore, Beauharnois or Welland Canal.

§ 401.5 Required equipment.

No vessel shall transit unless it is—

(a) Propelled by motor power that is adequate in the opinion of an officer; and

(b) Marked and equipped in accordance with the requirements of §§ 401.6–401.21.

§ 401.6 Draft markings.

(a) Vessels of more than sixty-five feet in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than three hundred and fifty feet in overall length shall be

marked on both sides with midship draft markings.

§ 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with fenders—

(1) Permanently attached to the vessel; or

(2) Where the fenders are not permanently attached—

(i) Made of a material that will float, and

(ii) Securely fastened and suspended from the vessel in a horizontal position by means of a steel cable or a fiber rope in such a way that they may be raised or lowered so as to avoid damage to Seaway installations.

(b) Automobile or other tires shall not be used as fenders.

§ 401.8 Landing booms.

Vessels of more than one hundred and fifty feet in overall length shall be equipped with at least one adequate landing boom on each side.

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped with VHF (very high frequency) radiotelephone equipment.

(b) The radio transmitters on a vessel shall:

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of thirty miles; and

(2) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7, and 156.8 MHz.

§ 401.10 Mooring lines.

(a) Mooring lines shall:

(1) Be of a uniform thickness throughout their length;

(2) Be fitted with a spliced eye not less than eight feet long;

(3) Have sufficient strength to check the vessel; and

(4) Be arranged so that they may be led to either side of the vessel as required.

(b) Unless otherwise permitted by an officer, only wire rope mooring lines shall be used for securing a vessel in lock chambers.

(c) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway if they have a breaking strength that complies with the minimum specifications set out in the table to this section.

TABLE

Ship's overall length (feet)	Length of mooring line (feet)	Breaking strength (tons)
125 to 200	360	10
201 to 300	360	15
301 to 400	360	20
401 to 600	360	28
601 to 730	360	35

§ 401.11 Fairleads.

Mooring lines, and synthetic hawsers where permitted under paragraph (b) or (c) of § 401.10, shall:

(a) Be led at the vessel's side through a type of fairlead acceptable to the Corporation and the Authority;

(b) Pass through not more than two inboard fairleads that are fixed in place and provided with free-running sheaves or rollers; and

(c) Where the fairleads are mounted flush with the hull, be permanently fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) Minimum requirements in respect to mooring lines and winches and the location of fairleads on vessels are as follows:

(1) Vessels of one hundred and twenty-five feet or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter;

(2) Vessels of more than one hundred and twenty-five feet but not more than two hundred feet in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines—

(i) One shall lead forward from the break of the bow and one astern from the quarter, or

(ii) One shall lead astern from the break of the bow and one forward from the quarter;

(3) The other two mooring lines required on vessels of more than one hundred and twenty-five feet but not more than two hundred feet may be led through closed chocks and may be hand held;

(4) Vessels of more than two hundred feet in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

(i) All shall be power operated by the main drums of adequate power operated winches and not by capstans or windlasses; and

(ii) All shall be led through a type of fairlead acceptable to the Corporation and the Authority.

(b) The following table sets out the requirements for the location of fairleads for vessels of two hundred feet or more in overall length:

TABLE

Overall length of vessels (feet)	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 ft from the stem.	Between 30 and 80 ft from the stern.
Over 300 to 400	Between 40 and 100 ft from the stem.	Between 50 and 110 ft from the stern.
Over 400 to 500	Between 40 and 110 ft from the stem.	Between 50 and 130 ft from the stern.
Over 500 to 600	Between 50 and 130 ft from the stem.	Between 60 and 150 ft from the stern.
Over 600 to 730	Between 60 and 160 ft from the stem.	Between 70 and 170 ft from the stern.

§ 401.13 Hand lines.

Hand lines shall

(a) Be made of manila or other material acceptable to the Corporation and the Authority, and

(b) Have a minimum diameter of one-half inch and a minimum length of one hundred feet.

§ 401.14 Anchor marking buoys.

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with seventy-five feet of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

§ 401.15 Stern anchors.

Every vessel of more than three hundred and fifty feet, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

§ 401.16 Propeller direction alarms.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with

(a) Propeller direction and shaft r.p.m. indicators; and

(b) Unless the vessel is bridge-controlled or is equipped with an automatically synchronized electric telegraph system or a device that renders it impossible to operate engines against orders from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.17 Pitch indicators.

Every vessel equipped with a variable pitch propeller shall have a pitch indicator in the wheelhouse and the engine room.

§ 401.18 Steering lights.

Every vessel shall be equipped with a steering light on the bow.

§ 401.19 Sewage and garbage disposal systems.

(a) Every vessel not equipped with containers for ordure shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal.

(b) Garbage on a vessel shall be—

(1) Destroyed by means of an incinerator or other garbage disposal device; or

(2) Retained on board in covered, leakproof containers, until such time as it can lawfully be disposed of.

§ 401.20 Oily water separators.

Every vessel that is unable to contain all the waste oil products or bilge water containing waste oil products that may be on board the vessel shall be equipped with oily-water separators or other equipment for the extraction of oil products from waste water before discharge.

§ 401.21 Rudder angle indicators.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with rudder angle indicators or repeaters that are—

(a) Located in the wheelhouse; and

(b) Arranged so that they can be easily read from any position on the bridge.

§ 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of three hundred and fifty tons or less in weight, shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of—

(1) The expiration of the representative's guarantee of toll payment,

(2) A change of ownership or representative of the vessel, or

(3) A material alteration in the physical characteristics of the vessel,

until another application for preclearance has been made and approved.

§ 401.23 Liability insurance.

(a) It is a condition of approval of an application for preclearance that the vessel is covered by liability insurance equal to or exceeding $50 per gross registered ton.

(b) No vessel shall transit while its liability insurance is not in full force and effect.

§ 401.24 Application for preclearance.

The representative of a vessel may apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the tolls and charges that may be incurred by the vessel on a Form SLS 429 set out in Schedule I of these regulations which may be obtained from the Corporation, Massena, New York or from the Authority, Cornwall, Ontario.

§ 401.25 Approval of preclearance.

Where the Corporation or the Authority approves an application for preclearance, it shall—

(a) Give the approval in writing; and

(b) Assign a number to the approval.

§ 401.26 Security for tolls.

(a) Before transit, other than transit restricted to the Sault Ste. Marie (Canada) Canal, by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be provided by the representative by means of—

(1) A deposit of money with the Corporation or the Authority;

(2) A deposit of money to the credit of the Corporation or the Authority with a bank in the United States or a chartered bank in Canada;

(3) A deposit with the Corporation or the Authority of negotiable bonds of the Government of the United States or the Government of Canada; or

(4) Furnishing to the Corporation or the Authority a letter of guarantee given by a bank referred to in paragraph (a) (2) of this section.

(b) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel—

(1) On the Seaway between Montreal and Lake Ontario, at $1.00 per ton for transit each way or at $2.00 per ton for a round trip;

(2) On the Welland Canal, at $800.00 for transit each way or at $1600.00 for a round trip,

and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(c) Where a number of vessels—

(1) Are owned or controlled by the same individual or company, and

(2) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to $1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(d) Where, in the opinion of the Corporation or the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Corporation or the Authority may suspend the preclearance of the vessel.

SEAWAY NAVIGATION

§ 401.27 Compliance with instructions.

Every vessel shall comply promptly with transit instructions given by the vessel traffic controller or any other officer.

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than forty feet in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in an area between the place set out in column I of an item of Schedule II and the place set out in column II of that item exceed the speed set out in column III or column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

(b) Every vessel under way shall proceed at a reasonable speed so as not to cause undue delay to other vessels.

(c) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

§ 401.29 Maximum draft.

(a) The loading, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.[1]

(b) The draft of a vessel shall not, in any case, exceed 26 feet or the maximum permissible draft designated by the Corporation or the Authority for the part of the Seaway in which a vessel is passing.

(c) No vessel shall transit the Sault Ste. Marie (Canada) Canal with a draft in excess of the maximum permissible draft currently prescribed by the Authority for that Canal or unless the available depth of water on the appropriate controlling point for draft exceeds by at least three inches the maximum draft of the vessel at the time.

§ 401.30 Adequate ballast and proper trim.

(a) Every vessel shall be adequately ballasted.

(b) Every vessel shall be properly trimmed.

(c) Any vessel that is not adequately ballasted or properly trimmed in the opinion of an officer, may be refused transit or may be delayed.

§ 401.31 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Rules of the Road for the Great Lakes.

(b) No vessel shall meet another vessel within the limit of approach signs at bridges.

(c) Except as instructed by the vessel traffic controller, no vessel shall overtake and pass or attempt to overtake and pass another vessel—

(1) In any canal;

(2) Within two thousand feet of a canal entrance;

(3) After the order of passing through has been established by the vessel traffic controller; or

(4) Between the western end of the Vidal Shoal Cut and the upper entrance of the Sault Ste. Marie Lock.

§ 401.32 Cargo booms—deck cargo.

(a) Every vessel shall have cargo booms secured in their housings in a manner that affords maximum visibility from the wheelhouse.

[1] The main channels between the Port of Montreal and Lake Erie have a controlling depth of 27 feet.

(b) Cargo or containers carried, forward or aft, on deck shall be stowed in a manner that—

(1) Affords an unrestricted view from the wheelhouse for the purpose of navigation; and

(2) Does not interfere with mooring equipment.

§ 401.33 Special instructions.

Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

§ 401.34 Vessels in tow.

No vessel that is not self-propelled shall be underway in any canal unless it is securely tied to an adequate tug or tugs, in accordance with special instructions given by the Corporation or the Authority pursuant to § 401.33.

§ 401.35 Employment of tugs.

No tug shall be fastened alongside a vessel in a canal so that the aggregate of the beams exceeds—

(a) Fifty-five feet in the case of the Sault Ste. Marie (Canada) Canal; or

(b) Seventy-five feet, six inches in the case of any other canal.

§ 401.36 Order of passing through.

Vessels shall advance to a lock in the order instructed by the vessel traffic controller.

§ 401.37 Mooring at tie-up walls.

Upon arrival at a lock, a vessel awaiting instructions to advance shall moor at the tie-up wall, close up to the designated limit of approach sign or to the vessel preceding it, whichever is specified by an officer.

§ 401.38 Limit of approach to a lock.

A vessel approaching a lock or guard gate shall comply with directions indicated by the signal light system associated with the lock or guard gate, and in no case shall its stem pass the designated limit of approach sign while a red light or no light is displayed.

§ 401.39 Preparing mooring lines for passing through.

Before a vessel enters a lock—

(a) Sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

(b) The eye of each mooring line shall be passed outward through the fairleads at the side.

§ 401.40 Entering a lock.

(a) No vessel shall proceed into a lock in such a manner that the stem passes the STOP sign on the lock wall nearest the closed gates.

(b) Every vessel in a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

§ 401.41 Tandem lockage.

Where two or more vessels are being locked together, vessels astern of the leading vessel shall—

(a) Come to a full stop a sufficient distance from the preceding vessel to avoid a collision; and

(b) Be moved into mooring position as directed by the officer in charge of the lock.

§ 401.42 Passing hand lines.

(a) At locks, hand lines shall be secured to the mooring lines and passed as follows:

(1) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, which hand lines shall be passed to the linesmen at the lock as soon as the vessel passes the open gates;

(2) Hand lines shall be passed to upbound vessels by the linesmen as soon as the vessel passes the open gates, and secured, by means of a clove hitch, to the mooring lines two feet behind the splice of the eye; and

(3) At Iroquois Lock and Lock 8, Welland Canal, both upbound and downbound vessels shall use their own hand lines as provided in paragraph (a)(1) of this section.

(b) Knotted or weighted hand lines shall not be used in the chamber of a lock.

(c) Mooring lines shall not be passed over the side of a vessel in a manner dangerous to a lock crew.

§ 401.43 Mooring table.

Unless otherwise directed by an officer, vessels passing through locks in the South Shore, Beauharnois, Wiley-Dondero, Iroquois, Welland and Sault Ste. Marie (Canada) Canals shall moor at the side of the tie-up wall or lock as shown in the table to this section.

	South Shore		Beauharnois			Wiley-Dondero		
	St. Lambert	Cote St. Catharine	Lower	Pool	Upper	Snell	Eisenhower	Iroquois
Locks:								
Upbound	Port	Port	Starboard		Starboard	Starboard	Starboard	Port.
Downbound	Starboard	Starboard	Port		Port	Port	Port	Starboard.
Tieup walls:								
Upbound	do	do	do	Port		Starboard	Starboard	Do.
Downbound	Port	Port		Starboard	Starboard	Port	Port	Port.

Welland Canal

	1	2	3	4	5	6	7	Guard gate	8
Locks:									
Upbound	Starboard.	Port	Port	Port	Port	Port	Port		Starboard.
Downbound	Port	Starboard.	Starboard.	do	do	do	Starboard.		Port.
Tieup walls:									
Upbound	Starboard.	do	do	Starboard.			do	Starboard	Port or starboard.
Downbound	Port	Port	Port			Starboard.	do	Port	Do.

Canadian Sault Ste. Marie

	Lock	Tieup walls
Upbound	Starboard	Port.
Downbound	Port	Do.

§ 401.44 Mooring in locks.

(a) Mooring lines shall only be placed on mooring posts as directed by the officer in charge of a mooring operation.

(b) No winch from which a mooring line runs shall be operated until the officer in charge of a mooring operation has signalled that the line has been placed on a mooring post.

§ 401.45 Emergency procedure.

When the speed of a vessel entering a lock chamber has to be checked immediately, the master or the officer in charge of the mooring operation shall order all mooring lines to be put out as soon as possible, and the master shall signal a full check by sounding a series of five or more short blasts of the vessel's whistle.

§ 401.46 Attending lines.

(a) Lines of a vessel shall be under visual control and attended by members of its crew during the time the vessel is passing through a lock.

(b) While a vessel is within a lock chamber and lines are hand held for tension control, each line shall be attended by at least one member of the vessel's crew.

§ 401.47 Leaving a lock.

(a) Mooring lines shall only be cast off as directed by the officer in charge of a mooring operation.

(b) No vessel shall proceed out of a lock until the exit gates, ship arresters and the bridge, if any, are in a fully open position.

§ 401.48 Turning basins.

No vessel shall be turned about in any canal, except—

(a) With permission from the vessel traffic controller; and

(b) At the locations set out in the table to this section.

TABLE

1. South Shore Canal:
(a) Turning Basin No. 1—Opposite Brossard.
(b) Turning Basin No. 2—Immediately below Cote St. Catherine Lock.
2. Welland Canal:
(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to three hundred and fifty feet.
(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to six hundred feet.
(c) Turning Basin No. 3—Immediately south of Bridge 12.
(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to five hundred and fifty feet.
(e) For vessels up to two hundred and sixty feet:
(1) North end of Wharf No. 1,
(2) Tie-up wall above Lock 1,
(3) Tie-up wall below Lock 2,
(4) Wharf No. 9,
(5) Between the southerly extremities of Wharves 18–2 and 18–3.

§ 401.49 Dropping anchor or tying to canal bank.

Except in an emergency, no vessel shall drop anchor in any canal or tie-up to any canal bank unless authorized to do so by the vessel traffic controller.

§ 401.50 Anchorage areas.

Except in an emergency, or unless authorized to do so by the vessel traffic controller, no vessel shall drop anchor in any part of the Seaway except in the following designated anchorage areas:

(a) Point Fortier (Lake St. Louis).
(b) Melocheville (Beauharnois Canal).
(c) St. Zotique and Dickerson Island (Lake St. Francis).
(d) Wilson Hill Island and Morrisburg (Lake St. Lawrence).
(e) Prescott and Union Park (St. Lawrence River).
(f) Off Port Weller (Lake Ontario).
(g) Off Port Colborne (Lake Erie).

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded on the vessel's whistle when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between two thousand two hundred feet and four thousand six hundred feet, upstream and downstream from movable bridges at sites other than lock sites.

§ 401.52 Limit of approach to a bridge.

(a) No vessel shall pass the limit of approach sign at any movable bridge until the bridge is in a fully open position and the signal light shows green.

(b) No vessel shall pass the limit of approach sign at the twin Railway Bridges on the South Shore Canal at Caughnawaga or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both signal lights show green.

§ 401.53 Obstructing navigation.

No vessel shall be operated, drop anchor or be fastened or moored in a manner that obstructs or hinders navigation.

§ 401.54 Interference with navigation aids.

(a) Aids to navigation shall not be interfered with or moored to.

(b) No person shall, unless authorized by the Corporation or the Authority, set out buoys or navigation markers on the Seaway.

§ 401.55 Searchlights.

No searchlight shall be used in such a manner that its rays interfere with the operators at a Seaway structure or on any vessel.

§ 401.56 Damaging or defacing Seaway property.

The master of every vessel shall—

(a) Navigate so as to avoid damage to Seaway property; and

(b) Prevent defacement of Seaway property by any member of the vessel's crew.

§ 401.57 Disembarking or boarding.

(a) Except as authorized by an officer, no person, other than a member of the crew of a vessel passing through, shall disembark or board any vessel while the vessel is passing through.

(b) No member of the crew of a vessel passing through shall disembark or board except for the purpose of carrying out essential duties as directed by the Master.

§ 401.58 Pleasure craft scheduling.

The transit of pleasure craft shall be scheduled by the vessel traffic controller or the officer in charge of a lock and may be delayed so as to avoid interference with other vessels.

§ 401.59 Pollution.

(a) No vessel shall—

(1) Emit sparks or excessive smoke; or

(2) Blow boiler tubes.

(b) No vessel shall discharge, dump or pump oil products or bilge containing oil products into the Seaway or adjacent waters.

(c) A record shall be kept of each location within the Seaway or adjacent waters where bilge water has been discharged.

(d) Except as authorized by the Corporation or the Authority, no vessel shall discharge garbage, ashes, ordure, litter or other materials.

RADIO COMMUNICATIONS

§ 401.60 Listening watch and notice of arrival.

(a) Vessels shall be on radio listening watch on the applicable assigned frequency while within a Seaway traffic control sector as shown on the General Seaway Plan and shall give notice of arrival in the manner prescribed in § 401.64 upon reaching any designated calling in point.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a Seaway station.

§ 401.61 Assigned frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16)—Distress and Calling.
156.7 MHz (channel 14)—Working (Canadian Stations other than Lakes Ontario and Erie).
156.45 MHz (channel 9)—Working (Canadian Stations other than Lakes Ontario and Erie).
156.65 MHz (channel 13)—Working (U.S. Stations, Lake Ontario and Sector 4 of the River).
156.6 MHz (channel 12)—Working (U.S. Stations other than Lake Ontario and Sector 4 of the River).
156.55 MHz (channel 11)—Working (Canadian Stations, Lake Ontario and Lake Erie.

§ 401.62 Seaway stations.

The Seaway stations are located as follows:

VDX20 (Seaway Beauharnois)—Upper Beauharnois Lock—Traffic Control Sector No. 1.
KEF (Seaway Eisenhower)—Eisenhower Lock—Traffic Control Sector No. 2.
VDX21 (Seaway Iroquois)—Iroquois Lock—Traffic Control Sector No. 3.
WAG (Seaway Clayton)—Clayton, N.Y.—Traffic Control Sector No. 4.
WAG (Seaway Sodus)—Sodus, N.Y.—Traffic Control Sector No. 4.
VDX72 (Seaway Oshawa)—Oshawa, Ontario—Traffic Control Sector No. 5.
VDX22 (Seaway Welland)—St. Catharines, Ontario—Traffic Control Sector No. 6.
VDX68 (Seaway Long Point)—Port Colborne, Ontario—Traffic Control Sector No. 7.
VDX23 (Seaway Sault)—Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.63 Radio procedure.

Every vessel shall use the channels of communication in each control sector as listed in the table to this section.

TABLE

Station	Control sector No.	Sector limits	Call in	Work	Listening watch
Seaway Beauharnois	1	C.I.P. No. 2 to C.I.P. No. 6–7	Channel 14	Channel 14	Channel 14.
Seaway Eisenhower	2	C.I.P. No. 6–7 to C.I.P. No. 10–11	Channel 12	Channel 12	Channel 12.
Seaway Iroquois	3	C.I.P. No. 10–11 to Whaleback Shoal	Channel 9	Channel 9	Channel 9.
Seaway Clayton	4	Whaleback Shoal to Cape Vincent	Channel 16	Channel 13	Channel 16.
Seaway Sodus	4	Cape Vincent to Mid-Lake Ontario	do	do	Do.
Seaway Oshawa	5	Mid-Lake Ontario to C.I.P. No. 15	Channel 11	Channel 11	Do.
Seaway Welland	6	C.I.P. No. 15 to C.I.P. No. 16	Channel 14	Channel 14	Channel 14.
Seaway Long Point	7	C.I.P. No. 16 to Long Point	Channel 11	Channel 11	Channel 16.
Seaway Sault	8	C.I.P. No. 17 to C.I.P. No. 18	Channel 14	Channel 14	Do.

§ 401.64 Calling in.

(a) Every vessel, intending to transit or in transit, shall report on the assigned frequency to the designated Seaway station when opposite any calling in point or checkpoint (indicated on the General Seaway Plan) and, when reporting, shall give the information indicated in Schedule III.

(b) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway station.

(c) A downbound vessel in St. Lambert Lock shall, before communicating with Montreal Marine Control, switch to channel 10 (156.5 MHz) for a Montreal Harbor situation report.

(d) After obtaining the situation report referred to in paragraph (c) of this section, the downbound vessel shall return to guarding channel 14 (156.7 MHz) and remain on that channel until it is clear of St. Lambert Lock chamber.

(e) When the downbound vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot of the vessel shall call "Seaway Beauharnois" and request permission to switch to channel 10 (156.5 MHz).

(f) Seaway Beauharnois shall grant the permission requested pursuant to paragraph (e) of this section and advise the downbound vessel of any upbound traffic that may be cleared for Seaway entry but not yet at C.I.P. 2.

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall be told to remain on channel 14 (156.7 MHz) until the meeting has been completed.

(h) After the meeting, the downbound vessel shall call "Seaway Beauharnois" before switching to channel 10 (156.5 MHz).

§ 401.65 Communication—ports, docks and anchorages.

(a) Every vessel entering or leaving a lake port shall report to the appropriate Seaway station at the following check points:

(1) Toronto and Hamilton—one mile outside of harbor limits; and

(2) Other lake ports—when crossing the harbor entrance.

(b) Every vessel arriving at a port, dock or anchorage shall report to the appropriate Seaway station, giving an estimated time of departure if possible, and, at least four hours prior to departure, every vessel departing from a port, dock or anchorage shall report in the same way giving its destination and the expected time of arrival at the next check point.

DANGEROUS CARGO

§ 401.66 Applicable laws.

Vessels carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including empty tankers that are not gas free, and vessels carrying dangerous goods to which regulations made under the *Canada Shipping Act*, or to which the *Dangerous Cargo Act* of the United States or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and shall not transit unless all requirements of the said Statutes and regulations and of these Regulations have been fulfilled.

§ 401.67 Explosive vessels.

A vessel carrying—

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification;

(b) More than 10 tons of explosives that do not explode en masse; or

(c) More than one hundred tons of explosives having a fire hazard with minor or no explosive effect,

shall be deemed for the purposes of these Regulations to be an explosive vessel.

§ 401.68 Explosives permit.

(a) No explosive vessel shall transit without a Seaway Explosives Permit, which permit shall not be granted where a vessel carries more than—

(1) Two short tons of explosives with a mass explosive risk;

(2) Fifty short tons of explosives that do not explode en masse; or

(3) Five hundred short tons of explosives having a fire hazard without explosive effect.

(b) Written application for a Seaway Explosives Permit may be made to the Director of Operations, the St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, Saint Lawrence Seaway Development Corporation, Massena, New York, and shall show that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which they were loaded and of Canada and the United States.

(c) A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous cargo shall be kept on board every explosive vessel in transit and shall be made available to any officer requiring production of such copies.

§ 401.69 Hazardous cargo vessels.

A vessel that is—

(a) A tanker carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including a tanker that is not gas free; or

(b) A dry cargo vessel or bulk chemical carrier carrying other dangerous cargo that is in excess of—

(1) Fifty tons of gases, compressed, liquified or dissolved under pressure,

(2) Fifty tons of inflammable liquids of the low flashpoint group,

(3) Fifty tons of organic peroxides,

(4) One hundred tons of oxidizing substances,

(5) One hundred tons of inflammable liquids of the intermediate flashpoint group,

(6) One hundred tons of inflammable solids or spontaneously combustible substances,

(7) One hundred tons of substances emitting inflammable gases when wet,

(8) One hundred tons of poisonous substances,

(9) One hundred tons of infectious substances,

(10) Two hundred tons of corrosive substances, or

(11) Five hundred tons of inflammable liquids of the high flashpoint group,

shall be deemed for the purposes of the Regulations in this part to be a hazardous cargo vessel.

§ 401.70 Fendering—explosive and hazardous cargo vessels.

An explosive vessel or a hazardous cargo vessel, other than a vessel that is—

(a) Carrying the equivalent of Bunker C oil in the center tanks, and

(b) Equipped with gas free ballast wing tanks,

shall be equipped with a sufficient number of non-metallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.71 Signals—explosive and hazardous cargo vessels.

(a) An explosive vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag.

(b) A hazardous cargo vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag superior to numeral pennant no. 1.

§ 401.72 Reporting—explosive and hazardous cargo vessels.

(a) Every explosive vessel shall report the Seaway Explosives Permit number when calling in information related to cargo as required by § 401.64(a).

(b) Every explosive vessel or hazardous cargo vessel shall, when calling in information related to cargo as required by § 401.64(a); report the nature of its cargo and its flashpoint (hazardous cargo).

§ 401.73 Cleaning tanks—hazardous cargo vessels.

Gas freeing and cleaning of cargo tanks shall not take place—

(a) In a canal or lock;

(b) In an area that is not clear of other vessels and structures; or

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.

TOLL ASSESSMENT AND PAYMENT

§ 401.74 Transit Declaration.

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Authority, Cornwall, Ontario or from the Corporation, Massena, New York, shall be forwarded to the Authority or the Corporation by the representative of every vessel, other than a pleasure craft of not more than three hundred and fifty tons, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

(b) The loaded or manifest weight of cargo shall be shown on the Seaway Transit Declaration Form, except in the

case of petroleum products where gallonage meters are not available at the point of loading, in which case offloaded weights may be shown on the Declaration Form.

(c) Where a vessel carries cargo to or from an overseas port, a copy of the cargo manifest, duly certified, shall be forwarded with the Seaway Transit Declaration Form.

(d) A Weight-Scale Certificate or similar document issued in the place of a cargo manifest may be accepted in lieu thereof.

(e) Where a Seaway Transit Declaration Form is found to be inaccurate, concerning the destination, cargo or passengers, the representative shall immediately forward to the Corporation or the Authority a new, revised Declaration Form.

(f) The information set out in the Seaway Transit Declaration Form shall be transmitted by the Authority to Statistics Canada, and the Corporation will transmit the statistical data required in the United States.

(g) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls, and toll accounts shall be forwarded in duplicate to the representative or his designated agent.

§ 401.75 Payment of tolls.

(a) Every toll account is payable when rendered, in Canadian or American funds as indicated on the account, and any adjustment shall be provided for in a subsequent account.

(b) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

(c) Where a Seaway Transit Declaration Form is not forwarded within the time referred to in § 401.74(a);

(1) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded within that time; and

(2) The surcharge referred to in paragraph (b) of this section may be added unless the toll account is paid within 14 days of the date shown on the account.

§ 401.76 In-transit cargo.

Cargo that is carried both upbound and downbound in the course of the same voyage shall be reported in the Seaway Transit Declaration Form, but is deemed to be ballast and not subject to toll assessment.

§ 401.77 Pleasure craft tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft for the transit of each Seaway lock, other than the lock on the Sault Ste. Marie (Canada) Canal, by means of $2.00 or $3.00 tickets that may be purchased from the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, or from the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York 13662, or at the office of the Regional Directors, whose addresses are shown in Schedule IV; and tickets may also be purchased from pleasure craft organizations or yacht clubs that have obtained tickets from the Corporation or the Authority.

INFORMATION AND REPORTS

§ 401.78 Required information.

All documentary evidence, including inspection certificates, evidence that draft markings are correct, vessel manifests, cargo manifests, crew lists and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.79 Advance notice of arrival, vessels requiring inspection.

Every vessel shall provide at least twenty-four hours notice of arrival to the nearest Seaway station prior to an initial transit or in case reinspection of the vessel is required.

§ 401.80 Reporting hazardous cargo.

Every vessel carrying cargo referred to in § 401.69(b) (1) to (11), in a quantity that is not in excess of the quantity that would cause the vessel to be deemed a hazardous cargo vessel, shall provide to the nearest Seaway Station at least twenty-four hours notice of arrival prior to entry into the Seaway on any upbound or downbound voyage, indicating the nature and quantity of the dangerous cargo and where it is stowed on the vessel.

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station immediately, if the vessel can make radio contact with the station, or as soon as the vessel can make radio contact with the station in any other case.

(b) Where a vessel approaching the Seaway with intent to transit has been involved in an accident in the course of its last voyage that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station before entering the Seaway.

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than one hundred and ten feet above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

§ 401.83 Reporting position at anchor, wharf, etc.

A vessel anchoring in a designated anchorage area, or elsewhere, and a vessel mooring at a wharf or dock, tying up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the vessel traffic controller and it shall not resume its voyage without the vessel traffic controller's permission.

§ 401.84 Loss of anchor.

The loss of an anchor shall be reported immediately to the vessel traffic controller with particulars of the precise location of the loss.

§ 401.85 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position or missing shall be reported to the nearest Seaway station.

DETENTION AND SALE

§ 401.86 Security for damages or injury.

An officer may detain a vessel that causes—

(a) Damage to property of the Corporation or the Authority;

(b) Damage to goods or cargo stored on property of the Corporation or the Authority; or

(c) Injury to employees of the Corporation or the Authority; until security satisfactory to the Corporation or the Authority has been provided.

§ 401.87 Detention for toll arrears or violations.

(a) An officer may detain a vessel where—

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these Regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation or the Authority to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Corporation or the Authority as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation or the Authority may—

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Corporation or the Authority of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

§ 401.88 Power of sale for toll arrears.

(a) Where a vessel has been detained pursuant to § 401.87(a) and payment of the tolls and charges or the fine imposed

has not been made within a reasonable time after—

(1) The time of the detention, in the case of arrears of tolls and charges, or

(2) The imposition of the fine or penalty, in the case of a violation,

the Corporation or the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Corporation or the Authority may, after giving such notice as it deems reasonable to the representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) An amount equal to the cost of the detention, seizure and sale, and

(1) The tolls and charges payable, or

(2) The fine or penalty imposed on conviction,

shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

GENERAL

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when, in his opinion,

(1) The vessel is not equipped in accordance with §§ 401.6 to 401.21;

(2) The vessel, its cargo, equipment or machinery are in a condition that will prevent safe or expeditious transit by that vessel; or

(3) The vessel is manned with a crew that is incompetent or inadequate.

§ 401.90 Boarding for inspection.

For the purpose of enforcing the regulations in this part, an officer may board any vessel and:

(a) Examine the vessel and its cargo; and

(b) Determine that the vessel is adequately manned.

§ 401.91 Removal of obstructions.

The Corporation or the Authority may take such action at the owner's expense as it deems necessary to move any vessel, cargo or thing that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.92 Wintering and lying-up.

No vessel shall winter within the Seaway or lie-up within the Seaway during the navigation season except with the written permission of the Corporation or the Authority and subject to the conditions and charges that may be imposed.

§ 401.93 Access to Seaway property.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Corporation or the Authority.

(b) Except as authorized by an officer or by the *Shore Traffic Regulations*, no person shall enter upon any land or structure of the Corporation or the Authority or swim in any Seaway canal or lock area.

§ 401.94 Keeping copy of regulations.

A copy of these regulations in this part shall be kept on board every vessel in transit.

SCHEDULE I

THE ST. LAWRENCE SEAWAY APPLICATION FOR VESSEL PRE-CLEARANCE

Instructions

The application form attached is to be completed for each vessel by its representative in duplicate and submitted to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario or to the Saint Lawrence Seaway Development Corporation, Massena, New York.

Upon approval of an application, one copy bearing the Seaway number assigned to the vessel will be returned to the representative.

The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the execution of the Certificate of Guarantee unless it is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new application will be required where the guarantee endorsed on this application has expired or has been cancelled, for each change of representative or of his address, and after a change in ownership or any major revision in the physical characteristics of the vessel.

NOTICE—NO VESSEL IS PRE-CLEARED UNTIL THIS APPLICATION HAS BEEN APPROVED

Information—Extracts From the Seaway Handbook

Security for Tolls

26. (2) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel

(a) On the Seaway between Montreal and Lake Ontario, at $1.00 per ton for transit each way or at $2.00 per ton for a round trip;

(b) On the Welland Canal, at $800.00 for transit each way or at $1600.00 for a round trip,

and it shall be maintained in an amount sufficient to cover each and every transit for which tolls have been incurred and are unpaid.

26. (3) Where a number of vessels

(a) Are owned or controlled by the same individual or company, and

(b) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to $1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

Radiotelephone Equipment

9. (1) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped wtih VHF (very high frequency) radiotelephone equipment.

9. (2) The radio transmitters on a vessel shall

(a) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of thirty miles; and

(b) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7 and 156.8 MHz.

Special Instructions

33. Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

Payment of Tolls

75. (2) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

75. (3) Where a Transit Declaration is not forwarded within the time referred to in subsection 74(1)

(a) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded in time; and

(b) The surcharge referred to in subsection (2) may be added, unless the toll account is paid within fourteen days of the date shown on the account.

THE ST. LAWRENCE SEAWAY—APPLICATION FOR VESSEL PRE-CLEARANCE

Seaway No. _____

PART I—REGISTRATION

1. Registration of Vessel:
(a) Name _____
(b) Country of registry _____
(c) Port _____
(d) Official number or letters _____

2. Insurance: Liability insurance must be equal to or exceed $50.00 per gross registered ton.

(a) Amount of liability insurance coverage on the vessel (P&I) _____

(b) Names of Underwriters: _____

3. Representative responsible for payment of tolls and charges:
(a) Name _____
(b) Address _____
(c) Telephone No. _____

4. Certificate of Guarantee:

The undersigned hereby accepts responsibility for the carrying out of the obligations of the representative pursuant to the Seaway Regulations, including the accurate completion of Part II hereof, and hereby undertakes to make payment of all monies that may become due by this vessel for tolls and charges during the full term of this certificate, which undertaking will remain in force notwithstanding the earlier expiration of this certificate.

The undersigned also agrees that security for the payment of tolls, which may be provided by him during the currency of this certificate, shall be subject to summary forfeiture in the event of non-compliance by him with requirements relating to the payment of tolls and charges.

This certificate shall be good and binding:

(a) Until the Authority or the Corporation is otherwise advised in writing by the undersigned, or

(b) For the following voyage

_____

Dated at _____ this _____ day of _____, 19__.

Signed _____

_____

NOTE.—Approval of this application does not constitute acceptance of the fact that the vessel is in a condition satisfactory for transit.

IMPORTANT—RETURN BOTH COPIES

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is a violation of the Seaway Regulations.

1. Managing Owner or Operator of the Vessel:
(a) Name of Company _____
(b) Address _____
2. Type of Vessel:
(a) Cargo _____( )
(b) Tanker _____( )
(c) Passenger only _____( )
(d) Cargo/Passenger (more than 12 passengers) _____( )
(e) Cargo/Passenger (under 12 passengers) _____( )
(f) Under Tow _____( )
(g) Dredge _____( )
(h) Scow _____( ) Barge _____( ) Tank-Barge _____( )
(i) Tug _____( )
(j) Naval (MIL.) _____( )
(k) Government _____( )
(l) Other (Specify) _____( )
3. Type of Service for which Constructed:
(a) Inland _____
(b) Ocean _____
4. Specifications:
(a) Gross Tons _____
(b) Net Tons _____
(c) Length (overall) _____
(d) Extreme Breadth (including fenders) _____
(e) Molded Depth _____
(f) Brake Horse Power _____
(g) Ice Classification _____

NOTE.—It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

	Yes	No
Sewage Disposal System	( )	( )
Oily Water Separator	( )	( )
Wrong Way Prop Alarm	( )	( )
Prop Locking Device	( )	( )
Bow Thruster	( )	( )
Stern Anchor	( )	( )
Bridge Controlled	( )	( )
Rudder Indicator	( )	( )
Engine RPM Indicator	( )	( )
Gyro Compass	( )	( )
Radar	( )	( )

SCHEDULE II.—*Table of speeds*[1]

From	To	Maximum speed over the bottom (miles per hour) Col. III	Col. IV
Upper entrance, South Shore Canal.	Lake St. Louis, buoy 13A	12 (10.4 kn)	12 (10.4 kn).
Lake St. Louis, buoy 13A.	Lower entrance, Beauharnois lock.	18 (15.5 kn)	18 (15.5 kn).
Upper entrance, Beauharnois lock, buoy 5B.	Lake St. Francis, buoy 27F.	10 upbound (8.6 kn) 12 downbound (10.4 kn)	10 upbound (8.6 kn). 12 downbound (10.4 kn).
Lake St. Francis, buoy 27F.	Lake St. Francis, buoy 87F.	18 (15.5 kn)	18 (15.5 kn).
Lake St. Francis, buoy 87F.	Snell lock	10 upbound (8.6 kn) 12 downbound (10.4 kn)	9 upbound (7.7 kn). 12 downbound (10.4 kn).
Eisenhower lock	Richards Point, light 55	13 (11.3 kn)	12 (10.4 kn).
Richards Point, light 55	Morrisburg, buoy 84	15 (13 kn)	Do.
Morrisburg, buoy 84	Ogden Island, buoy 99	13 (11.3 kn)	Do.
Ogden Island, buoy 99	Blind Bay, ½ mi. east of light 162.	15 (13 kn)	Do.
Blind Bay, ½ mi east of light 162.	Deer Island, light 186	13 ((1.3 kn)	Do.
Deer Island, light 186	Bartlett Point, light 227	10 upbound (8.6 kn) 12 downbound (10.4 kn)	9 upbound (7.7 kn). 12 downbound (10.4 kn).
Bartlett Point, light 227	Tibbetts Point	15 (13 kn)	12 (10.4 kn).
Junction of Canadian middle channel and main channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said middle channel.	13 (11.3 kn)	11 (9.5 kn).
Lock 1, Welland Canal	Outer piers, Port Weller Harbor.	9 (7.8 kn)	9 (7.8 kn).
Port Robinson	Ramey's Bend, through the Welland bypass.	do	Do.
All other canals		7 (6.1 kn)	7 (6.1 kn).

[1] Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions ar set forth in this schedule. The Corporation and the Authority shall, from time to time, designate the set of speed limits which is in effect. The maximum speeds set forth in the schedule shall always be subject to specific instructions to a particular vessel.

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 2—entering sector 1 (order of passing through established).	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting upper Beauharnois lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 7.
C.I.P. 7—leaving sector 1.	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
C.I.P. 7—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell lock.
C.I.P. 8—order of passing through established.	do	1. Name of vessel. 2. Location.
C.I.P. 8A	do	1. Name of vessel. 2. Location.
Existing Eisenhower lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 11. 4. Confirm pilot requirement—Lake Ontario.
C.I.P. 11—leaving sector 2.	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
C.I.P. 11—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location.
C.I.P. 12—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—leaving sector 3.	do	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 4.	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Cape Vincent or River Port. 4. Confirm pilot requirement—Lake Ontario.
Wolfe Island Cut (Quebec Head)—vessels leaving main channel.	do	1. Name of vessel. 2. Location. 3. ETA Kingston.
Cape Vincent	do	1. Name of vessel. 2. Location. 3. ETA Sodus Point. 4. ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Sodus Point	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Newcastle.
Mid-Lake Ontario—leaving sector 4.	do	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 5.	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle	do	1. Name of vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 4. Confirm pilot requirement—Port Weller.
C.I.P. 15—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne piers.	do	1. Name of vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location.
Long Point—leaving sector 7.	do	1. Name of vessel. 2. Location.
C.I.P. 17	Seaway Sault, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18	do	1. Name of vessel. 2. Location.
DOWNBOUND VESSELS		
C.I.P. 18	do	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
Long Point—entering sector 7.	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 16.
C.I.P. 16—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting lock No. 1, Welland Canal.	do	1. Name of vessel. 2. Location. 3. ETA Newcastle. 4. ETA Cape Vincent or Lake Ontario Port. 5. Pilot requirement—Cape Vincent.
C.I.P. 15	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle	do	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Sodus Point.
Mid-Lake Ontario—leaving sector 5.	do	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 4.	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Sodus Point.
Sodus Point	do	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario Port. 4. Confirm River pilot requirement—Cape Vincent.
Cape Vincent	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Whaleback or river port.
Wolfe Island Cut (Quebec Head)—vessels entering main channel.	do	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal or river port.
Whaleback Shoal—leaving sector 4.	do	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	do	1. Name of vessel. 2. Location.
C.I.P. 13—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert.
C.I.P. 10—leaving sector 3.	do	1. Name of vessel. 2. Location.
C.I.P. 10—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 9—order of passing through established.	do	1. Name of vessel. 2. Location. 3. ETA Snell lock.
Exiting Snell lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 6.
C.I.P. 6—leaving sector 2.	do	1. Name of vessel. 2. Location.
C.I.P. 6—entering sector 1.	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location.
C.I.P. 5—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting lower Beauharnois lock.	do	1. Name of vessel. 2. Location. 3. Confirm Harbor or River pilot requirement—St. Lambert. 4. Montreal Harbor berth number. 5. VHF requirement—St. Lambert.
St. Lambert lock to C.I.P. 2—leaving sector 1.	do	1. Name of vessel. 2. Location.

SCHEDULE IV

Pleasure craft tickets may be purchased from:

EASTERN REGION

Regional Director, Eastern Region, The St. Lawrence Seaway Authority, St. Lambert Lock, P.O. Box 97, St. Lambert, Quebec.

WESTERN REGION

Regional Director, Western Region, the St. Lawrence Seaway Authority, 508 Glendale Avenue, P.O. Box 370, St. Catharines, Ontario.

Interested parties may submit written data, views, or arguments in regard to the amendments proposed herein to the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662 (Attention: General Counsel). Comments received not later than March 15, 1974, will be considered. Action with respect to this revision by the Corporation is contemplated prior to the opening of the 1973 navigation season of the St. Lawrence Seaway. All comments received will be available for examination by interested parties at the office of the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662.

(68 Stat. 92–97 (33 U.S.C. 981–990, as amended), and sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943))

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.74–3622 Filed 2–14–74;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. 74-61]

FOREIGN CURRENCIES—CERTIFICATION OF RATES

Rates of Exchange Certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

FEBRUARY 5, 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:

France franc:	
Jan. 28, 1974	$0.1920
Jan. 29, 1974	.1927
Jan. 30, 1974	.1950
Feb. 1, 1974	.1980
Italy lira:	
Jan. 28, 1974	.001489
Jan. 29, 1974	.001500
Jan. 30, 1974	.001503
Jan. 31, 1974	.001513
Feb. 1, 1974	.001517
Japan yen:	
Jan. 28, 1974	.003335
Jan. 29, 1974	.003333
Jan. 30, 1974	.003342
Jan. 31, 1974	.003347
Feb. 1, 1974	.003346
Sri Lanka (Ceylon) rupee:	
Jan. 28, 1974	.1400
Jan. 29, 1974	.1400
Jan. 30, 1974	.1400
Jan. 31, 1974	.1400
Feb. 1, 1974	.1425

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

[FR Doc.74-3769 Filed 2-14-74;8:45 am]

Office of the Secretary

45 R.P.M. FLAT SPINDLE ADAPTERS FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

FEBRUARY 11, 1974.

On January 8, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that 45 r.p.m. flat spindle adapters from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

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

[FR Doc.74-3919 Filed 2-14-74;9:36 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting

FEBRUARY 12, 1974.

The USAF Scientific Advisory Board B-1 Propulsion Committee of the Aeronautical Systems Division Advisory Group will hold a closed meeting on February 19, 1974, from 8:30 a.m. until 5 p.m., at the General Electric Company, Evendale, Ohio.

The Committee will receive classified briefings and hold classified discussions on the status of the engine for the B-1.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-3875 Filed 2-14-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-1]

ARTHUR R. BLACK, M.D.

Notice of Hearing

Notice is hereby given that on November 7, 1973, the Drug Enforcement Administration, Department of Justice, issued to Dr. Arthur R. Black, Kirkland, Washington, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AB4243553 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by Dr. Black, and written request for a hearing having been filed by him with the Administrator of the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on February 28, 1974, in the Customs Courtroom #1057, Federal Office Building, 909 First Avenue, Seattle, Washington 98104.

Dated: February 11, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-3759 Filed 2-14-74;8:45 am]

AMOBARBITAL, PENTOBARBITAL, SECOBARBITAL AND THEIR SALTS

1974 Interim Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II by July 1 of each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to 0.100 of Title 28, Code of Federal Regulations.

An order published in the FEDERAL REGISTER (38 FR 31310-11) dated November 13, 1973, placed Amobarbital, Secobarbital, Pentobarbital and their salts, unless specifically excepted or listed in another schedule, in Schedule II of the Controlled Substances Act (21 U.S.C. 826).

Due to the large number of incomplete, incorrect, or late quota applications, the Drug Enforcement Administration has

decided to postpone the publication of a proposed 1974 aggregate production quota from Amobarbital, Secobarbital, and Pentobarbital until on or about May 1, 1974. This will allow the Drug Enforcement Administration to include many firms which filed late applications in the final quota allocation, and also allow time to analyze prescribing trends to determine the impact of Schedule II controls on legitimate usage.

In order to provide for legitimate needs during the first part of 1974, the Drug Enforcement Administration has established an interim production quota. The proposed 1974 aggregate production quota will take into account this interim quota. The interim quota, expressed in terms of anhydrous base, is as follows: Interi

Basic class:	*Interim granted 1974, (kilograms)*
Amobarbital	8,274
Pentobarbital	22,094
Secobarbital	14,821

Dated: February 7, 1974.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.74-3758 Filed 2-14-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 Stat. 890-896:16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on March 19, 1974, at the Volusia County Agricultural Center, 6 miles east of DeLand, Florida, on State Highway No. 44, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Lake Woodruff Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Lake Woodruff National Wildlife Refuge, which is located in Volusia County, Florida.

A study summary containing a map and information on the Lake Woodruff Wilderness Proposal may be obtained from the Refuge Manager, Lake Woodruff National Wildlife Refuge, Box 488, DeLeon Springs, Florida 32028 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by April 18, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-3755 Filed 2-14-74;8:45 am]

National Park Service

CHAMIZAL NATIONAL MEMORIAL, TEXAS

Notice of Establishment

The Act of June 30, 1966, 80 Stat. 232, 16 U.S.C. § 431 note (1970), authorizes establishment and development of a memorial at El Paso, Texas, to be known as the Chamizal National Memorial.

The initial development of visitor-use and other facilities at this area and comprehensive planning with other Governmental agencies have proceeded to the point that formal establishment of the memorial, in keeping with the intent of the aforesaid act, is desirable. Therefore, notice is given that the Chamizal National Memorial is established.

Map. No. 441-20,000A, December 12, 1972 (Denver Service Center), which shows the area hereby established, is on file and available for inspection in the administrative office for the Chamizal National Memorial and in the offices of the National Park Service, Department of the Interior, Washington, D.C.

Dated: February 4, 1974.

RUSSELL E. DICKENSON,
Acting Director, National Park Service.

[FR Doc.74-3762 Filed 2-14-74;8:45 am]

PICTURED ROCKS NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held at 1:30 P.M. Thursday, February 28, 1974, at the Pictured Rocks National Lakeshore Headquarters, Sand Point, Munising, Michigan.

The Commission was established by Public Law 89-668 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Pictured Rocks National Lakeshore.

The members of the Commission are as follows:

Mr. Edward N. Locke (Chairman), Marquette, Michigan
Mr. Neal Beaver, Grand Marais, Michigan
Mr. Glenn C. Gregg, Grawn, Michigan
Mr. Francis Putvin, Munising, Michigan
Mr. David C. West, Munising, Michigan

The purpose of the meeting is to receive activity reports on matters affecting Pictured Rocks National Lakeshore. Discussions will include funding and development programs, operations programs, directions for future expected problems, personnel, and administration.

The meeting at Sand Point Headquarters, Pictured Rocks National Lakeshore, approximately 4½ miles northeast of Munising, Michigan, will be open to the public. Space is limited and it is expected that no more than 10 persons will be able to attend the session in addition to the Advisory Commission members and the National Lakeshore staff. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact:

Robert L. Burns, Superintendent
Pictured Rocks National Lakeshore
P.O. Box 40
Munising, Michigan 49862
906-387-2607

Minutes of the meeting will be available for public inspection two weeks after the meeting at the Pictured Rocks National Lakeshore Office at Sand Point, Munising, Michigan.

Date: February 8, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74-3761 Filed 2-14-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-47]

CARBON FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 861 (c) (1970), the Carbon Fuel Company has filed a petition to modify the application of section 303(a) to the No. 3, Maple Fork, No. 12, and No. 16 tunnels of its No. 6 Mine.

Section 303(a) reads:

All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

This section is also published as 30 CFR 75.300.

Petitioner requests that such section be modified to permit the No. 3, Maple Fork, No. 12 and No. 16 tunnels, used solely for haulage tunnels, to be used without mechanical ventilation.

In support of its petition, Petitioner states:

(1) The tunnels have been used since 1954 without mechanical ventilation.

(2) The tunnels are driven through small islands of coal in the 5 Block Coal Bed.

(3) The tunnels were developed through 2 to 5 entries and range from 1000 to 1500 feet in length.

(4) The 5 Block Coal Bed is located near the top of the mountain and is known as a non-gassy seam. Methane has never been detected in the seam in the area.

(5) The tunnels are used solely for the purpose of transportation of coal from the No. 6 Mine, No. 22 drift, to the preparation plant.

(6) The average height of the coal bed is 6 feet and tests show that the average air movement in each tunnel is 70 lineal feet per minute.

(7) A motor man, operating a locomotive and trip of cars, will make approximately 8 round trips through these tunnels in a 8 hour shift. He will spend approximately 65 seconds in each tunnel during each trip or approximately 19 minutes out of an eight hour shift will be spent in each tunnel by the motor man.

(8) If mechanical ventilation is used, two ventilation doors must be installed in each tunnel on the track haulage entry to form an air lock for positive ventilation. The doors would be installed 450 feet apart because a train of coal is 436 feet in length. A dead air space would be created between the doors where there is presently ventilation.

(9) The installation of 8 ventilation doors on the track haulage would create a hazard to the haulage system.

(10) The life expectancy of the No. 6 Mine is from 18 to 24 months or approximately 100,000 tons of coal. The cost of installing a mechanical fan in each of the 4 tunnels would be approximately $100,000 or a cost of $1.00 more per ton of remaining coal. Such cost would be prohibitive due to the short life of the mine, and the fact that the cost of mining coal increases in the later stages of mining.

Petitioner proposes that if the modification is granted, it will purchase a small direct current ventilation fan which will be kept in a location where it can be transported to any of the tunnels in case of a mine fire.

Petitioner indicates that its proposed modification will afford the miners at the affected mine the same measure of protection as the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 18, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 4, 1974.

[FR Doc.74-3737 Filed 2-14-74;8:45 am]

[Docket No. M 74-49]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), the Ohio Valley Division of Consolidation Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its Ireland Mine.

30 CFR 75.1105 reads as follows:

Underground transformes stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner states that a notice of violation of § 75.1105 was issued on December 26, 1973, 1 GAK, stating that the 500 K.W. Rectifer located at the Rotary Dump of the Ireland Mine was not ventilated by a current of air coursed directly to the return. Petitioner seeks modification of § 75.1105 as it applies to such substation located at the Underground Rotary Dump of the mine.

In support of its petition, Petitioner states that the entries at this location were driven over 15 years ago and are ventilated with intake air. There are no return airways in the immediate vicinity of the substation. None of the air passing the substation is used to ventilate a working section.

The alternative methods proposed by Petitioner, which it contends will at all time guarantee no less than the same measure of protection to the miners as the mandatory standard, are as follows:

1. The substation will become a totally enclosed fireproof structure.

2. An automatic fire suppression device will be installed and will be activated by heat sensors.

3. Openings for ventilation will be provided which will close from the same device that activates the fire suppression system.

4. Any doors to the substation will be self closing and well sealed.

5. No combustible materials will be stored in the substation.

6. All electrical inspections and circuits will comply with the requirements of the Federal Register and the Federal Coal Mine Health and Safety Act of 1969.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 18, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 4, 1974.

[FR Doc.74-3735 Filed 2-14-74;8:45 am]

[Docket No. M74-51]

SAHARA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), the Sahara Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.312 to its Mine No. 20 and Mine No. 21, both located in Saline County, Illinois.

30 CFR 75.312 reads as follows:

Air that has passed through an abandoned area or an area which is inaccessible or unsafe for inspection shall not be used to ventilate any working place in any mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in a mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

Petitioner states in support of its petition that the Sahara Mine No. 20 and Mine No. 21 are relatively new mines operated in the Illinois No. 5 seam of coal. Substantially all of the No. 5 seam in Illinois has a shale roof consisting of layers of shale known locally as "draw slate", varying in thickness from a few inches to over one foot. This laminated material is subject to severe cutting and rashing when exposed to ambient summer intake air, causing falls to the floor of the workings and substantially increased hazards to the miners.

Petitioner states that mining experience in the area in past years has demonstrated that the use of "tempering chambers" causes moisture to condense from the intake air as a result of lower temperatures. This in turn substantially reduces the cutting and rashing of the roof. Recent data obtained through participation by Petitioner in the research project "Investigation of the Failure Of Roofs in Coal Mines", U.S.B.M. Contract H0111462, being conducted by the Department of Mining, Petroleum, and Geological Engineering of the University of Missouri, has vertified the moisture-shale relationship. Accordingly, Petitioner asserts that it has followed the practice of mining a panel as near as possible to the intake air shaft for each split of air to provide the area necessary for the tempering of the air before such air enters the main intakes. Therefore, all the cut-

ting and rashing of the roof is confined to areas where miners are not required to travel.

However, while this practice was followed throughout most of the Southern Illinois coal fields prior to the Act as the safest feasible method available for mining the No. 5 seam, the inspection requirements of § 75.312 necessitate that the "tempering area" be inspected, and as a corollary that the area be safe for inspection. A travelway for the mine examiners has been established which is maintained and supported by timbers and crossbars set on five foot centers throughout the entire route, but this route is becoming progressively more dangerous and difficult to maintain.

As an alternative, Petitioner proposes that since methane gas measurements in the return airways of both Mine No. 20 and Mine No. 21 are always substantially less than .25%, ordinarily ranging between .03% and .08%, a preshift measurement for methane at both the intake and outlet of each tempering chamber would meet the criteria of § 75.312 and provide a more practical, feasible, and safe alternate method to such mandatory standard.

Petitioner proposes the following guidelines:

1. Methane and volume readings will be made by the mine examiner on preshift examination at each intake and outlet for each tempering chamber.

2. A date board will be placed at each point of examination for the initials of the examiner.

Petitioner states that the measuring stations will assure that the criteria of § 75.312 are satisfied. The air will be tested at each tempering chamber's inlet and again at the outlet after it has traversed the chamber, and immediately prior to entering the main intakes, so that the effect will be identical to traveling the entire length of the existing travelway.

Two escapeways for the face men will be available: one along the intake entry and the other along the belt and track entries. The use of a tempering chamber for each split of air minimizes the number of employees receiving air from a given chamber.

Petitioner assures that the alternate method at all times guarantees to the miners at the affected mines no less than the same measure of protection as the mandatory standard.

Petitioner has filed a total of twenty-four supporting exhibits with its petition.

Petitioner has requested a hearing on its petition and it has requested that such hearing be held in Evansville, Indiana.

Persons interested in this petition may furnish comments on or before March 18, 1974. Such comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 6, 1974.

[FR Doc.74-3734 Filed 2-14-74;8:45 am]

[Docket No. M 74-40]

SWISHER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Swisher Coal Company has filed a petition to modify the application of 30 CFR 75.503 to its Gordon Creek No. 2 Mine.

30 CFR 75.503 reads as follows:

> The operator of each coal mine shall maintain in permissible condition all electric face equipment required by §§ 75.500, 75.501, 75.504 to be permissible which is taken in by the last open crosscut of any such mine.

Petitioner seeks modification of such section as it applies to Petitioner's two (2) Massey-Ferguson Super 90 tractors and to its John Deere Model #350 Crawler Tractor which are presently being used in the Gordon Creek No. 2 Mine. All such units are diesel and are being used for hauling supplies, for rock dusting the face, and for clean-up. According to Petitioner, the equipment necessary to modify these units to meet permissibility schedule 31 is not available at this time. All of Petitioner's bolting equipment, loading equipment, and cutting machine equipment are permissible.

In support of its petition, Petitioner states that the mine is located above the water table and is non-gassy. Federal coal mine inspectors have never detected any toxic gases or exhaust from the units during their inspections. Petitioner states that without the use of this equipment, hand clean-up and hand rock dusting would be necessary. In Petitioner's opinion such methods would be more hazardous than the present system employing the use of the diesel units.

Petitioner requests that it be allowed to continue using its diesel units umtil the equipment necessary to modify such units to meet permissibility schedule 31 becomes available. Apparently, Petitioner is seeking to modify the standard in such a manner as to allow the use of his diesel equipment.

Petitioner contends that the safety of the miners will not be sacrificed by the continued use of the diesel units and that suspension of their use might result in a diminution of safety to the miners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 18, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 6, 1974.

[FR Doc.74-3736 Filed 2-14-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FHA Instruction 449.2]

BUSINESS AND INDUSTRIAL LOANS

Insured Loan Interest Rates

Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR § 1842.61(b) is as follows:

a. Insured loans to private entrepreneurs will be at the rate of nine and one-half percent (9½ percent). This rate will remain in effect until a change is published in the FEDERAL REGISTER.

b. The rate for guaranteed loans is as agreed upon between the borrower and lender.

Effective date: This notice shall be effective on February 15, 1974.

Date: February 13, 1974.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74-3909 Filed 2-14-74;8:45 am]

Forest Service

SHOSHONE NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Shoshone National Forest Multiple Use Advisory Committee will meet at 1 p.m., March 21, 1974, at the Holiday Inn, Thermopolis, Wyoming.

This will be the annual meeting of the committee and current items of business on the Shoshone will be discussed.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Ted Russell, Cody, Wyoming 82414, or call 587-4297.

The committee has established the following rules for public participation: The chairman will provide time for the public to present oral statements and ask pertinent questions at the conclusion of the business meeting.

T. V. RUSSELL,
Forest Supervisor.

FEBRUARY 8, 1974

[FR Doc.74-3733 Filed 2-14-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

Notice of Meeting

A meeting of the National Industrial Energy Conservation Council will be held on Wednesday February 20, 1974, Room 6802, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Council will report to and advise the Secretary of Commerce on programs and problems relating to the conservation of energy within the industrial and commercial sectors; provide a forum for the exchange of views on conservation between government and the industrial and commercial sectors; advise on policies, plans and actions of the federal, state, and local agencies involving energy use and conservation which affect industry and Commerce, and it may identify and evaluate current and potential plans and actions of industry in the field of energy conservation.

The agenda will include reports from members on technology, product efficiency, motivation, and public awareness. Representatives of the Business Advisory Committee will give a briefing on recent energy developments.

The public will be permitted to attend and a limited number of seats will be available to the public.

Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Council may do so before or after the meeting.

Persons who wish to attend the meeting should contact Dr. David Foege at Office of Energy Programs, Room 2201, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230—(202) 967–3535.

Dated: February 13, 1974.

DAVID J. FOEGE,
Associate Director, National Industrial Energy Conservation Council.

[FR Doc.74–3873 Filed 2–14–74;8:45 am]

SUB-COUNCIL ON MOTIVATION OF THE NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

Notice of Meeting

A meeting of the Sub-Council on Motivation of the National Industrial Energy Conservation Council will be held on Friday, February 15, 1974 in Room 1851, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Sub-Council will examine the business decision process and identify those factors having the greatest impact on energy efficient business operations. It will also examine government and business energy conservation motivation policies and recommendations.

The agenda will include analysis and evaluation of energy conservation as segment of business decision process. An identification of current and recommended business incentive tools will be discussed.

The public will be permitted to attend and a limited number of seats will be available to the public.

Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Council may do so before or after the meeting.

Persons who wish to attend the meeting should contact Dr. David Foege at Office of Energy Programs, Room 2201, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230—(202) 967–3535.

Dated: February 13, 1974.

DAVID J. FOEGE,
Associate Director, National Industrial Energy Conservation Council.

[FR Doc.74–3874 Filed 2–14–74;8:45 am]

National Oceanic and Atmospheric Administration

NOTE: For a document issued by the Coastal Zone Management Advisory Committee, see FR Doc. 74–3867, *infra.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Office of the Secretary

IMPORTERS TEXTILE ADVISORY COMMITTEE

Notice of Meeting

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on February 26, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 19 members representing importing firms and a trade association, advises Department officials of the effects on import markets of the cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.
   a. Pending Bilateral Consultations.
   b. Entries in Bond of Textile Products for Processing and Re-Export.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information on concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–3954 Filed 2–11–74;11:39 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH, ET AL.

Delegations of Authority

Notice is hereby given that the following delegations of authority have been made under section 1122 of the Social Security Act, as amended (P.L. 92–603):

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all functions vested in the Secretary by section 1122 of the Act, except those delegated to the Commissioner, Social Security Administration by paragraph 2, and the Administrator, Social and Rehabilitation Services by paragraph 3. The delegated authority may be redelegated.

2. Delegation from the Secretary to the Commissioner of Social Security to identify and deny payment of those amounts to be excluded from reimbursement under Title XVIII of the Social Security Ast, as amended, to health care facility and health mainteance organizations where such exclusion has been found necessary under sub-sections (d) and (e) of section 1122 of the Social Security Act, as amended. This includes the authority to determine the amounts to be withheld from the reimbursement of the health care facility or health maintenance organization being reimbursed on a fixed fee or negotiated rate or per capita basis under Title XVIII. The delegated authority may be redelegated.

3. Delegation from the Secretary to the Administrator, Social and Rehabilitation Service, to identify and deny payment of those amounts to be excluded from reimbursement under Title XIX of the Social Security Act, as amended, to health care facility and health maintenance organizations where such exclusion has been found necessary under sub-sections (d) and (e) of Section 1122 of the Social Security Act, as amended. This includes the authority to determine the amounts to be withheld from the reimbursement of the health care facility or health maintenance organization being reimbursed on a fixed fee or negotiated rate or per capita basis under Title XIX. The delegated authority may be redelegated.

4. Delegation from the Assistant Secretary for Health to the Regional Health Administrators to exercise the following authorities which were delegated to the Assistant Secretary for Health by the Secretary under Section 1122 of the Social Security Act, as amended:

a. Authority to make agreements with the States to implement Section 1122;

b. Authority to determine whether a proposed capital expenditure of a health care facility or health maintenance organization is subject to the provisions of Section 1122;

c. Authority to receive and review findings and recommendations prepared by the State agency designated under Section 1122 and to make the initial determinations required under Section 1122 and to give the necessary notices; and

d. Authority to seek the advice of the National Advisory Council on Comprehensive Health Planning Programs when circumstances in a case in which a finding of nonconformity was made suggest the possibility under Section 1122(d)(2) that reimbursements should not be excluded from payments, and to make the determination as to the inclusion or exclusion of reimbursements.

The delegated authority may not be redelegated.

5. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, to calculate and deny payment of those amounts to be excluded from reimbursement under Title V of the Social Security Act, as amended, to health care facility and health maintenance organization where such exclusion has been found necessary under sub-sections (d) and (e) of section 1122 of the Social Security Act, as amended. This includes the authority to determine the amounts to be withheld from the reimbursement of the health care facility or health maintenance organization being reimbursed on a fixed fee or negotiated rate or per capita basis under Title V. The delegated authority may be redelegated.

6. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration all authorities delegated to the Assistant Secretary for Health by the Secretary under section 1122 of the Social Security Act, as amended, except those which are delegated to the Regional Health Administrators by paragraph 4 and to the Administrator, Health Services Administration by paragraph 5. The delegated authority except for Section 1122(f) may be redelegated.

Dated: February 11, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-3774 Filed 2-14-74;8:45 am]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education and Welfare published in the Federal Register on November 21, 1973, at 38 FR 32154, is hereby amended as follows:

The statement under the heading Office of the Commissioner, Office of Public Affairs, is deleted and a new statement is added as follows:

OFFICE OF PUBLIC AFFAIRS

The Office of Public Affairs plans, develops, and directs a comprehensive public information program involving a variety of editorial services and the dissemination of news and publications for both print and audiovisual media in support of Office of Education programs. Primary mission is to acquaint the general public, and especially the Nation's educational community, with Office of Education programs and activities. Provides OE-wide and HEW coordination of general audiovisual and print materials developed for OE through grant, contract, or inhouse resources. Formulates operational public affairs objectives to support those Agency objectives being tracked by the Secretary and the Commissioner. In cooperation with the Commissioner and the Deputy Assistant Secretary for Education (Policy Communication) coordinates Agency contact with major educational organizations.

Communication Support Division. Provides Agency program staff "concept" advice, clearance, monitoring assistance, and other supportive services for all phases of audiovisual production and general public affairs activities. Manages projects performed by outside contractors. Processes recommendations for written denials of requests under the Freedom of Information Act. Responsible for Agency-wide public affairs planning, coordination and Regional liaison. Manages conferences, workshops, film production, and other special events.

Information Services Division. As the central Agency channel for dissemination of education news and other education information to education organizations, the public, the news media, and key OE and HEW officials, prepares news releases, feature stories, and background material for the various news media. Maintains up-to-date briefing book for the Secretary and the Commissioner, answers inquiries from news media, produces an OE functional directory and daily news digest. Produces inhouse newsletter, "Inside OE." Participants in the development by OPA of a comprehensive public affairs program for OE programmatic activities.

Editorial Services Division. Assists in the implementation of OE programs by providing a wide variety of editorial services, including writing, rewriting, or editing of statements, position papers, reference articles, speeches, pamphlets, booklets, memoranda, messages, and other materials about OE programs for internal use or for dissemination to professional and other special groups or the general public. Plans and directs an overall publications program. Provides technical and professional services and counsel for style, content and design of manuscripts, technical reports, and other publications of OE. Clears speeches, articles, and other materials produced for public presentation. Plans and produces the official journal of the Education Division, "American Education" magazine.

The following statement is added immediately following the heading Office of Planning, Budgeting and Evaluation:

The Office of Planning, Budgeting and Evaluation plans and evaluates overall Office programs and provides guidance and coordination for bureau and staff office program planning, budgeting and evaluation. Prepares special studies necessary for the planning of educational policies, and provides advice on formulation of office policies, legislative proposals and types of information to be collected to evaluate effect of Federal Educational programs.

The title immediately following the above described statement is amended by addition of the word "Division" following the word Education.

The statement under the heading Bureau of School Systems is hereby amended as follows:

The title of the Office of Equal Educational Opportunity Programs is amended to read "Office of Compensatory Educational Programs." The statement following is deleted and a new statement added as follows:

The Office of Compensatory Educational Programs is responsible for administration of programs designed to achieve educational equality for all children.

The title of the Office of Equal Educational Opportunity Programs, Division of Compensatory Education is amended to read "Division of Education for the Disadvantaged."

The title of the Office of School Desegregation Programs is amended to read "Office of Equal Educational Opportunity Programs" and the statement following is amended to read:

The Office of Equal Educational Opportunity Programs administers programs of financial and technical assistance to assist school districts to meet special needs incident to the elimination of racial segregation and discrimination, and technical assistance in the development, adoption and implementation of plans for the desegregation of public schools.

The title of the Office of State and Local Programs is amended to read "Office of State and Local Educational Programs," and the statement following is amended to read:

The Office of State and Local Educational Programs is responsible for administration of programs providing general financial assistance to support educational activities at the State and local levels.

The statement under the heading Bureau of Postsecondary Education, Office of Student Assistance, is hereby amended as follows:

The title of the Division of Work Study and Special Programs is amended to read "Division of Student Support and Special Programs."

The statement under the heading Bureau of Postsecondary Education, Office of Institutional Support and International Programs is deleted and a new statement is added as follows:

OFFICE OF INSTITUTIONAL DEVELOPMENT AND INTERNATIONAL EDUCATION

The Office of Institutional Development and International Education administers programs of institutional support for Postsecondary educational institutions through project grants, fellowships and training. Administers programs for and provides services to strength international education and to support library and learning resource activities.

Division of Institutional Development. Administers programs of financial assistance to strengthen developing institutions through institutional grants, cooperative arrangements, and national teaching fellowships.

Division of Training and Facilities. Administers programs of financial assistance to institutions of higher education to support cooperative education programs, training programs including fellowships and institutes; and, continuing education programs and aid to land

grant colleges. Administers programs of grants and loans for construction of academic facilities.

Division of International Education. Administers programs of teacher exchange and development; provides services to international organizations including recruitment and foreign visitors; conducts comparative education studies, provides advisory evaluations on foreign credentials, and supports foreign language training, research and fellowship activities.

Division of Library Programs. Administers programs to improve public library services and library construction to strengthen library resources, support training of library personnel, and acquisition of equipment to improve instructional programs. Administers programs to support acquisition of school library resources and instructional equipment and support research and demonstrations in library and information science.

Dated: February 11, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-3775 Filed 2-14-74;8:45 am]

OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT

Statement of Organization, Functions and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended. So much of Sec. 1T80.00 and 1T80.20, previously published in 38 FR 16406 as refers to the Office of Surplus Property Utilization now reads as follows:

"Sec. 1T80.00 Mission. The mission of the Office of Facilities Engineering and Property Management (OFEPM), to be performed for and in cooperation with the various Department operating agencies and Office of the Secretary staff, is to provide architectural engineering policy, direction, and services for both direct Federal and federally assisted construction activity; manage an integrated facilities engineering system for all DHEW owned or operated real property; accomplish maximum utilization of all Federal surplus property in support of national priorities established by Congress through identification of available property and its utility.

"Sec. 1T80.10 Organization. OFEPM, under the supervision of the Director, who reports directly to the Assistant Secretary for Administration and Management, consists of:

Office of the Director: Policy Development Staff; Administrative Staff; Metropolitan Engineering Staff.

Office of Planning and Development: Division of Facility Engineering Planning; Division of Facility Engineering Development.

Office of Federally Assisted Construction: Division of Management Information; Division of Operations.

Office of Architectural and Engineering Services: Division of Design Management; Division of Architecture; Division of Engineering.

Office of Real Property Management: Division of Plant Management; Division of Real Property; Division of Space Management.

Office of Surplus Property Utilization: Administration Division, Planning Division; Operations Division.

F. Office of Surplus Property Utilization. 1. The Office of Surplus Property Utilization, (OSPU), by delegation of authority from the Director, OFEPM, shall make determinations and allocations for educational, public health, and civil defense purposes as outlined by section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Defense Civil Preparedness Agency) Delegation 5, take such action as may be necessary in connection with the assignment, transfer, and utilization of surplus property for educational and public health purposes pursuant to Section 203(k) of the Act, and enter into cooperative agreements pursuant to Section 203(n) of the Act, except that any action which is required to be taken by the Secretary shall be prepared and submitted for the Secretary's approval. The Director, OSPU, shall be responsible for:

a. Providing leadership and technical guidance to the elements and organizations involved in the surplus property utilization program nationwide.

b. Administering all surplus property program activities.

c. Directing and coordinating headquarters activities.

2. Division of Administration. a. Providing management and administrative support to the headquarters office. This includes operation of a single office system for all divisions regarding administrative functions of filing, document control, preparation of reports for non-DHEW elements, answering inquiries from Congress and the public, provision of Operations Center services for OSPU, and related office management functions.

b. Effecting the direction and coordination of program and headquarters activities. In this capacity the Director of the Division of Administration is also the Assistant Director of OSPU and acts as program director in the absence of the director.

3. Division of Planning and Evaluation. a. Developing policies (operational guidelines), regulations, goals, and objectives for the nationwide program for conveyance of surplus Federal real and personal property. Policies and regulations are responsive to the legislation governing the program, and are the parameters around which the goals and objectives are developed. Preparation and revision of the Surplus Property Utilization Manual (SPUM) which contains legislative references, policies, regulations, and delegations of authority.

b. Identifying and developing program capabilities to support Department priorities. The transfer of surplus real property and the donation of surplus personal property is to support priority DHEW health and education programs throughout the country, as well as the priority interests of civil defense donees and donees under other programs supported by OSPU by delegation of authority.

c. Determining useable property that will become available to the program in the future. Planning for utilization of various high value special interest items, and development of special methodologies to expedite acquisition and conveyance of same.

d. Liaisoning with Federal Agency headquarters and non-Federal national organizations concerning program long-range plans and policies.

e. Evaluating nationwide program effectiveness in terms of community participation, and the viability of State Surplus Property Agencies. Development of changes in policies and regulations designed to improve program effectiveness.

4. Division of Operations. a. Preparing program operation management data thru the OSPU Management Information and Analysis System. Monthly contact with each Regional Office will insure receipt of necessary information for reports required by government elements external to DHEW, and that required for appropriate program evaluation within DHEW.

b. Developing and promulgating implementing instructions as required in support of program policies, regulations, and operational guidelines.

c. Evaluating DHEW–OSPU field operations and DHEW–OSPU management systems performance. This will insure the development and promulgation of sound operational procedures.

d. Providing assistance and guidance to OSPU field elements on operational matters on a continuing basis. Consulting capability will insure that field elements remain current on operational procedures and management systems; and that effective management improvements are made known throughout the organization.

Dated: February 11, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-3778 Filed 2-14-74;8:45 am]

OFFICE OF INTERNATIONAL AFFAIRS MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to delete section 1–F, Office of International Affairs (36 FR 184), September 22, 1971. The Office has been transferred to the jurisdiction of the Assistant Secretary for Administration and Management; its name has been changed; and its functional order amended to add certain functions. The statement for the

reconstituted Office of International Affairs Management reads as follows:

Section 1T01008.00 Mission. The Office of International Affairs Management serves as the primary source of advice and counsel to the Secretary for policy development and management aspects of the Department's international affairs and commitments. The Office maintains an overview of the international activities of the various agencies of the Department to ensure that these activities conform with overall Departmental policy and it maintains liaison with those agency officials responsible for international activities.

Section 1T01008.10 Organization. The Office of International Affairs Management is headed by a Director who reports to the Assistant Secretary for Administration and Management and who also serves as Special Assistant to the Secretary on International Affairs.

Section 1T01008.20 Functions. To carry out its mission, the Office of International Affairs Management:

1. In the capacity as Special Assistant to the Secretary informs and advises the Secretary on international developments of concern to the Department, provides general staff support as required, and represents the Secretary, as he directs, in international matters.

2. Provides a policy and program management overview to Departmental agencies concerning DHEW's international activities.

3. Provides a focus within the Department for cross-cutting international problems and considerations and a contact point for those outside the Department seeking information and cooperation on international matters.

4. Reviews proposed agency program and budget submissions to identify potential duplications of effort or conflict in international matters, and, most importantly, to foster the maximum use of projects and resulting information and data by all elements of the Department, as appropriate.

5. Represents the Department, when appropriate, in discussions of international policy matters with representatives of executive departments and agencies, international organizations, and the private sector. Reviews all formal agreements with other departments and agencies involving Department participation in international programs.

6. Coordinates the preparation of position papers and other materials by the operating agencies for use by U.S. delegations at intergovernmental international organization meetings, conferences, and assemblies, and, as appropriate, drafts HEW coordinated position papers.

7. Coordinates the Department's participation in, and recommends courses of action with respect to, the activities of governmental and non-governmental international organizations. At the request of the Department of State, coordinates the nomination of departmental personnel and public members to serve on official U.S. delegations or as participants in international conferences. Also facilitates nominations of candidates, from the public and private sectors, when required or desirable, for positions with international agencies.

8. Formulates and monitors foreign travel procedures, including the establishment of ceilings, review and approval of foreign travel plans and amendments to them, and distributes travel-related information to DHEW agencies.

9. Chairs and provides administrative and secretarial support to the Exchange Visitor Waiver Review Board, in its efforts to assure thorough and equitable evaluations of applications for waivers for the 2-year foreign residence requirement of the exchange visitor program. Recommends to the Department of State for or against waivers for cases involving professional competencies of special interest to this Department. Assists the Board in giving particular attention to the relationship of the Department's waiver policies to the international mobility of manpower and its implications for the migration of talent from the developing countries.

Dated: February 11, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-3776 Filed 2-14-74;8:45 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended to reflect the establishment of the Bureau of Medical Devices and Diagnostic Products.

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Section 6B is amended as follows:

* * * * *

(aa) *Office of the Commissioner* (6A01). The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of FDA's mission.

(a) *Office of the Associate Commissioner for Medical Affairs* (6A0104). Functions as principal advisor to the Commissioner on medical matters which impact on policy and direction and long-range program goals. Provides leadership on medical matters and stimulates medical effort and achievement in the Agency.

Provides for the continuing appraisal of FDA medical research programs and projects.

Serves as a member or chairman of FDA's medical advisory and planning committees such as the FDA National Advisory Drug Committee.

Provides medical opinions on special and overall program problems which cross bureau lines and also where medical aspects are controversial or critical.

Serves as an adviser on medical research contracts, medical committees, and special medical projects of Agency-wide scope. Evaluates medical research results originating from other Government agencies and private institutions for potential utilization in FDA.

(a-1) Delete.

* * * * *

(p) *Bureau of Medical Devices and Diagnostic Products* (6A18). Develops FDA policy regarding the safety, efficacy, and labeling of medical devices and in vitro diagnostic products.

Collects and evaluates data on significant hazards to the public health which may be caused by the use of medical devices and diagnostic products; develops and recommends regulations and changes in or addition to FDA legislative authority necessary to protect the public health.

Evaluates the safety, efficacy, and labeling of medical devices and diagnostic products and recommends their classification into regulatory categories.

Conducts research and coordinates the development of standards for appropriate categories of medical devices and diagnostic products; publishes approved standards and regulations specifying good manufacturing practices in the FEDERAL REGISTER.

Develops, plans, coordinates and evaluates FDA surveillance and compliance programs for medical devices and diagnostic products, and initiates compliance actions as necessary.

Provides assistance in the handling of legal actions on medical device and diagnostic product matters.

Operates a National Medical Device Experience Monitoring System. Provides the Commissioner with authoritative advice on significant existing and anticipated problems in the area of medical device and diagnostic product safety.

Develops and disseminates educational materials on medical device and diagnostic product problems in conjunction with the Office of the Assistant Commissioner for Public Affairs.

(p-1) *Office of the Director* (6A1801). Develops FDA medical device and diagnostic product policy for approval of the Commissioner. Provides executive direction of Bureau activities to assure accomplishment of its assigned mission and functions; develops and directs implementation of Bureau management policies and plans for controlling the management of programs, systems, and services (budget, personnel, procurement), assuring optimum utilization of Bureau resources.

Develops Bureau planning and programming strategy; identifies operational and strategic goals and develops and applies effectiveness measures to Bureau programs.

Coordinates Bureau operating programs with other FDA components.

Directs the development of Bureau regulatory policy.

Recommends to the Office of the Commissioner changes in or additions to legislative authority.

Guides the development and dissemination of consumer and professional educational materials on medical devices and diagnostic products, in conjunction with the Office of the Assistant Commissioner for Public Affairs.

Serves as FDA point of special expertise on medical devices and diagnostic products and maintains liaison with other FDA Bureaus, the National Bureau of Standards, the Center for Disease Control, other Government agencies, and professional groups.

Directs and coordinates Bureau standard development activities. Initiates and develops liaison with outside organizations, both public and private, that may participate in standards development activities. Directs Bureau extramural research programs and determines research priorities.

Develops and implements programs to publishes standards activities surveys for medical devices and diagnostic products.

(p–2) *Division of Diagnostic Product Standards and Research* (6A1802). Develops and coordinates the development of standards (including performance criteria) for diagnostic products utilizing technical support provided by the Center for Disease Control.

Develops and implements programs to encourage the participation of outside organizations in the development and voluntary adoption of diagnostic product standards and good manufacturing practices. Plans, designs, and evaluates diagnostic product research contract and grant programs; monitors progress reports on research contracts. Initiates the publication of approved diagnostic product standards and good manufacturing practices in the FEDERAL REGISTER.

Studies the diagnostic product industries to determine broad trends and implications of changing technology on Bureau activities. Monitors and evaluates the adequacy of safety standards criteria and testing methods; identifies needs for diagnostic product standards where present standards are deficient or nonexistent.

(p–3) *Division of Medical Device Standards and Research* (6A1803). Develops and coordinates the development of standards (including performance criteria) for medical devices.

Develops and implements programs to encourage the participation of outside organizations in the development and voluntary adoption of medical device standards and good manufacturing practices. Plans, designs, and evaluates medical device research contract and grant programs; monitors progress reports on research contracts. Initiates the publication of approved medical device standards and good manufacturing practices in the FEDERAL REGISTER.

Studies the medical device industries to determine broad trends and implications of changing technology on Bureau activities. Monitors and evaluates the adequacy of safety standards criteria and testing methods; identifies needs for medical device standards where present standards are deficient or nonexistent.

(p–4) *Division of Compliance* (6A1804). Advises the Bureau Director and other FDA officials on legal administrative problems, regulatory problems, and administrative policies concerning FDA's regulatory responsibilities relating to medical devices and diagnostic products.

Directs, designs, and monitors studies to develop facts necessary to support regulatory action on violative medical devices and diagnostic products.

Develops compliance and surveillance programs covering medical device and diagnostic product industries; develops and coordinates medical device and diagnostic product training programs for field laboratory and inspectional staff, in coordination with the Executive Director of Regional Operations.

Provides support and guidance, upon request to the Field/District Offices in handling legal actions; provides Headquarters assistance in case development and coordination and in handling contested cases. Develops proposals for new or revised regulatory policy; serves as Bureau focal point for regulatory affairs; develops and recommends regulations for publication in the FEDERAL REGISTER.

Develops and coordinates studies to measure degree of industry compliance with statutes and regulations enforced by the Bureau.

(p–5) *Division of Classification and Scientific Evaluation* (6A1805). Collects and evaluates data on significant hazards to the public health which may be caused by the use of medical devices and diagnostic products; develops and monitors an extramural National Medical Device Experience Monitoring System.

Provides medical and scientific guidance and opinion for the development and interpretation of medical device and diagnostic product policies and regulations.

Evaluates the safety, efficacy, and labeling of all medical devices and diagnostic products and recommends their classification into regulatory categories; recommends action to be taken on proposed new medical devices and diagnostic products submitted to FDA for review. Evaluates specific medical devices and diagnostic products in critical instances and recommends whether or not they should be marketed. Provides medical opinions, develops medical evidence, procures expert witnesses, and provides full medical support for regulatory actions pertaining to medical devices and diagnostic products.

Provides administrative and technical support to expert panels and advisory committees studying medical devices and diagnostic products. Develops and maintains a National Health Related Items Code System.

* * * * *

Dated February 7, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74–3777 Filed 2–14–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRWORTHINESS REVIEW PROGRAM

FAA Adopts Biennial Airworthiness Review Policy

In view of the rapid growth and technological advances of the aviation industry in the United States and abroad, the FAA has determined that it is appropriate to adopt a systematic method providing for the review of existing airworthiness standards and the promulgation of new and revised airworthiness standards on a periodic basis.

Accordingly, an Airworthiness Review Program has been established. The program will be implemented through biennial Airworthiness Reviews which are to be administered by Flight Standards Service. The Airworthiness Reviews will be carried out with full opportunity for the participation of industry, other Government agencies, foreign governments, and the aviation public. All elements of the FAA will provide support to Flight Standards Service as necessary to ensure timely completion of the periodic airworthiness review process.

Pursuant to the policy announced herein, the Director of Flight Standards Service is issuing a Notice regarding the first biennial review, the 1974–75 Airworthiness Review. The Notice sets forth detailed information concerning the scope and schedule and invites submission of proposed amendments to the airworthiness standards, and it is published concurrently with this Notice.

Issued in Washington, D.C., on February 12, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74–3767 Filed 2–14–74;8:45 am]

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of P.L. 92–463, notice is hereby given that the Microwave Landing System (MLS) Advisory Committee will hold a meeting on February 27–28, 1974, beginning at 9 a.m. EDT, February 27 in the Building 11 Conference Room, National Aviation Facilities Evaluation Center (NAFEC), Atlantic City, New Jersey. The following agenda items are scheduled for this meeting:

1. *Briefing*—Updated MLS Program Plan and Schedule.
2. *Briefing*—Feasibility Demonstration Status and Results.
3. *Briefing*—Australia MLS Activities Visit.
4. *Briefing*—Test Plan Advisory Task Force Activities.
5. *Discussion*—Decision-Making Criteria and Plans.
6. *Visit*—MLS Test Sites at NAFEC and NASA Wallops Station.

All those interested in attending the meeting should contact Mr. Jules I. Kan-

ter, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100 2nd Street, SW., Washington, D.C. 20590 Telephone 202–426–3633. The meeting will be open to the public. Transportation limitations may preclude members of the public from visiting the test sites (Agenda Item 6).

JULES I. KANTER,
Executive Director, Microwave Landing System Advisory Committee.

Issued in Washington, D.C. on January 31, 1974.

[FR Doc.74–3805 Filed 2–14–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–354, 50–355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice and Order for Prehearing Conference Regarding Hope Creek Generating Station, Unit 1 and 2

Take notice that, pursuant to "Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits" dated December 5, 1973, the Atomic Safety and Licensing Board will hold a special prehearing conference in this proceeding on February 26, 1974, at 9:30 a.m., local time, at the Salem County Courthouse, Courtroom No. 1, 2nd Floor, 92 Market Street, Salem, New Jersey. The purposes of this special prehearing conference are to: (1) Permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider petitions for intervention in the proceeding; and (4) establish a schedule for further actions in the proceeding. In addition to the purposes specified above, the prehearing conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR 2.752) as may be appropriate.

Members of the public may attend this prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

It is ordered that the parties or their representatives shall conduct such informal conferences as may be practicable to expedite the proceeding and in particular to advance the purposes of the prehearing conference.

Issued at Washington, D.C., this 11th day of February 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74–3726 Filed 2–14–74;8:45 am]

[Docket Nos. 50–315, 50–316]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Order Dismissing Proceeding

In the matter of Indiana & Michigan Electric Co. and Indiana & Michigan Power Company (Donald C. Cook Nuclear Plant, Units 1 and 2).

By Order dated February 13, 1974, this Board granted the Joint Motion of Intervenors Brooks, *et al.*, Applicants, and the Regulatory Staff for the withdrawal of Brooks, *et al.*, from the above captioned proceeding. Said withdrawal now removes all controversy in dispute among the parties in this proceeding and, consequently, there is no issue to be heard by the Board. Dismissal of this proceeding is consistent with the Commission's regulations which do not contemplate a hearing on an application for an operating license in the absence of any matters in controversy, 10 CFR §§ 2.104, 2.105, and 50.58(b), and with the general powers of the presiding officer set forth in § 2.718.

Therefore, *It is Ordered,* That the proceeding before this Board noticed in the Commission's Notice of Hearing on a Facility Operating License dated September 29, 1972, be, and it hereby is, dismissed. The Board's Notice of Evidentiary Hearing, dated February 5, 1974 convening the evidentiary hearing in this proceeding on Tuesday, February 19, 1974, in Grand Rapids, Michigan is herewith vacated.

Issued at Washington, D.C. this 13th day of February, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
MAX D. PAGLIN,
Chairman.

[FR Doc.74–3935 Filed 2–14–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26260]

COMPAGNIE NATIONALE DE TRANSPORTS AERIENS ROYAL AIR MAROC REGARDING FOREIGN AIR CARRIER PERMIT

Postponement of Prehearing Conference and Hearing

Counsel for the Bureau of Operating Rights has requested an indefinite postponement of procedural steps in the above-captioned proceeding. Counsel for the applicant has advised that it does not object to the requested postponement of procedural steps.

Accordingly, notice is hereby given that the prehearing and hearing in the above-captioned proceeding now set for February 15, 1974, is postponed until further notice.

Dated at Washington, D.C., February 11, 1974.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.74–3782 Filed 2–14–74;8:45 am]

[Docket No. 26273]

CROSS CANADA FLIGHTS LTD.

Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing currently scheduled for February 12, 1974 (39 FR 2030, January 15, 1974) in the above-entitled proceeding are hereby postponed until February 26, 1974 at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Harry H. Schneider.

Dated at Washington, D.C., February 11, 1974.

[SEAL] HARRY H. SCHNEIDER,
Administrative Law Judge.

[FR Doc.74–3783 Filed 2–14–74;8:45 am]

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of Public Law 92–463, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, February 21 and 22, 1974. The meeting will commence at 9 a.m. on each day in the "El Jardin and Las Flores" Room, Santa Barbara Biltmore, 1260 Channel Drive, Santa Barbara, California 93108.

Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12 noon each day, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements each day may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register each day with the Executive Secretary between 8:30 a.m. and 9 a.m. in the meeting room and must provide their name, legal address, a list of any affiliations relevant to their intended topic(s) and a brief, written description of their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Environment, National Oceanic and Atmospheric Administration; 11400 Rockville Pike, Rockville, Maryland 20852; Attn. Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

FEBRUARY 21

9:00 a.m.—Call to Order and Announcements.
9:15 a.m.—Review and Adoption of Committee Operating Procedures.
10:15 a.m.—Brief Recess.
10:30 a.m.—Consideration of Working Paper on Marine and Estuarine Sanctuaries.
11:25 a.m.—Consideration of Proposed Oral Statements (if any).
11:30 a.m.—Oral Statements (if any) by Interested Persons.
12:00 noon—Recess for Luncheon.
1:30 p.m.—Discussion of Policy Issues Involved in Setting the National Perspective Within Which the Federal Coastal Zone Management (CZM) Program is to be Developed (includes the incorporation of national interests in State CZM Programs and the consistency of Federal agency actions with developing State CZM Programs).
3:15 p.m.—Brief Recess.
3:30 p.m.—Resume Consideration of the Agenda Item.
5:00 p.m.—Adjourn for the Day.

FEBRUARY 22

9:00 a.m.—Call to Order and Announcements.
9:05 a.m.—Resume Discussion of Policy Issues Involved in Setting the National Perspective Within Which the Federal CZM Program is to be Developed.
10:15 a.m.—Brief Recess.
10:30 a.m.—Resume Consideration of the Agenda Item.
11:25 a.m.—Consideration of Proposed Oral Statements (if any).
11:30 a.m.—Oral Statements (if any) by Interested Persons.
12:00 noon—Recess for Luncheon.
1:30 p.m.—Technical Discussion of Topics of Interest of Coastal Zone Managers.
Subsea Oil Completion Systems.
Oil Spill Cleanup, State-of-the-Art and Evolving Technology.
3:00 p.m.—Brief Recess.
3:15 p.m.—Agenda Items Suggested by Members.
4:00 p.m.—Review of Possible Future Agenda Items and Development of the Tentative Agenda, Date(s), and Location of the Next Committee Meeting.
5:00 p.m.—Adjourn.

Dated: February 13, 1974.

HOWARD W. POLLOCK,
Acting Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.74-3867 Filed 2-14-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[EPA REG. No. 4941-3]

REGISTRATION OF THE PESTICIDE NIP-CO GAS'M

Notice of Intent To Cancel

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984-985), the Environmental Protection Agency has notified the NIP-CO Manufacturing Company Incorporated, 276 Fair Street, Kingston, New York 12401, of its intent to cancel the registration of the pesticide NIP-CO GAS'M (EPA Reg. No. 4941-3).

The registrant was notified that the registration of said pesticide would be suspended, unless a hearing was requested as provided in section 6(c)(2), on the basis that it had been determined that the pesticide as formulated generally causes unreasonable adverse effects on the environment. In addition, reports indicated that this product had spontaneously ignited while in the possession of dealers and potential users and caused fires in the States of New York, Pennsylvania, and Virginia, thus creating an imminent hazard.

The registrant did not request a hearing as provided by section 6(c)(2) within five days of receipt of the notification. By order dated February 11, 1974, registration of this pesticide was suspended to prevent an imminent hazard during the time required for cancellation of said registration.

Pursuant to section 6(c)(1), registration of this pesticide will be cancelled effective 30 days until March 18, 1974, whichever occurs later, for the reasons set forth above.

Dated February 11, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-3719 Filed 2-14-74;8:45 am]

[EPA Reg. No. 4941-3]

PESTICIDE NIP-CO GAS'M

Order of Suspension of Registration

By certified letter dated October 4, 1973, NIP-CO Manufacturing Company Incorporated, 276 Fair Street, Kingston, New York 12401, was notified in accordance with the provisions of section 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 985), of the intention of this Agency to issue an order of suspension of registration of the pesticide NIP-CO GAS'M (EPA Reg. No. 4941-3).

Said notice was received by the registrant on October 15, 1973.

The findings pertaining to the question of imminent hazard of said pesticide are: 1) It has spontaneously ignited while in the possession of dealers and potential users; 2) it has caused fires in the States of New York, Pennsylvania, and Virginia; 3) these fires have caused property damage and subjected persons in the immediate vicinity to possible hazards from fire, emitted smoke, and vapors.

No request for a hearing was made by the registrant within five days of receipt of the notice of intent to suspend, as required by section 6(c)(2) of the FIFRA (86 Stat. 985).

Therefore, pursuant to the provisions of section 6(c)(2), the registration of NIP-CO GAS'M (EPA Reg. No. 4941-3) is hereby suspended for the reasons set forth herein.

Simultaneously, pursuant to section 6(c)(1), notice of intent to cancel the registration of said pesticide is being issued.

Dated February 11, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-3720 Filed 2-14-74;8:45 am]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Extension of Temporary Tolerance

Nor-Am Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, was granted a temporary tolerance for negligible residues of the herbicide ethyl *m*-hydroxycarbanilate carbanilate in or on the raw agricultural commodities sugar beet roots and tops at 0.2 part per million on December 22, 1972, in connection with Pesticide Petition No. 2G1262 (notice was published in the FEDERAL REGISTER of January 5, 1973, (38 FR 906)). This temporary tolerance expired December 22, 1973.

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that this extension of the temporary tolerance of 0.2 part per million for residues in or on sugar beet roots and tops will protect the public health. It is therefore extended as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Nor-Am Agricultural Products, Inc. name.

As extended, this temporary tolerance expires December 22, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: February 12, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs

[FR Doc.74-3797 Filed 2-14-74;8:45 am]

SHELL CHEMICAL CO.

Establishment of Temporary Tolerances

Shell Chemical Co., 1700 K Street, NW, Washington, D.C., 20006, submitted a petition (PP 3G1354) requesting establishment of temporary tolerances for residues of the insecticide hexakis (beta, beta-dimethyl-phenethyl) distannoxane in or on the raw agricultural commodities apples and pears at 4 parts per million and oranges and grapefruit at 3 parts per million.

It has been determined that temporary tolerances for residues of the insecticide in or on the raw agricultural commodities apples and pears at 4 parts per million and oranges and grapefruit at 3 parts per million will protect the public health. They are therefore established on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Shell Chemical Co. name.

These temporary tolerances expire February 12, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516;

21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: February 12, 1974.

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

[FR Doc.74-3796 Filed 2-14-74;8:45 am]

ZOECON CORP.

Extension and Establishment of Temporary Tolerances

Zoecon Corp., 975 California Avenue, Palo Alto, CA 94304, was granted temporary tolerances for negligible residues of the insecticide methoprene (isopropyl (*E,E*)- 11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on the raw agricultural commodities forage grasses, forage legumes, and rice and rice straw at 0.01 part per million on June 12, 1973, in connection with Pesticide Petition No. 3G1343 (notice was published in the FEDERAL REGISTER of June 19, 1973 (38 FR 16003)).

The firm has requested: (a) A 1-year extension of the temporary tolerances for residues of the insecticide in or on rice and rice straw at 0.01 part per million (negligible residue); (b) extension of the tolerances on forage grasses and forage legumes at a new higher level of 1 part per million; and (c) establishment of new temporary tolerances for negligible residues in fish, shellfish, eggs, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 part per million and in milk at 0.02 part per million to obtain additional experimental data.

It is concluded that such extension and establishment of temporary tolerances will protect the public health. A condition under which these temporary tolerances are extended or established is that the insecticide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Zoecon Corp. name.

These temporary tolerances expire February 12, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pestcide Programs (36 FR 9038).

Dated: February 12, 1974.

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

[FR Doc.74-3795 Filed 2-14-74;8:45 am]

STATE OF MISSISSIPPI

Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

A public hearing to consider the request of the State of Mississippi for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. Sections 1251-1376 (Supp. 1973) (hereinafter, the "Act"), will be held on March 18, 1974, at 10 a.m., Second Floor Auditorium, Woolfolk State Office Building, Jackson, Mississippi 39205.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to insure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The State of Mississippi proposes that the Mississippi Air and Water Pollution Control Commission, Robert E. Lee Office Building, 11th Floor, Jackson, Mississippi 39205, operate the NPDES program.

Governor William Waller's request and the program description may be inspected at the offices of the Mississippi Air and Water Pollution Control Commission at the above address, or at the Regional Office of the United States Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 (404) 526-5727.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the presiding officer; the Executive Secretary of the Mississippi Air and Water Pollution Control Commission, or his representative; and the Regional Administrator, Region IV, or his representative.

All interested persons wishing to attend, to comment upon, or to support or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by March 25, 1974, either in person or by mail to the Regional Office of the United States Environmental Protection Agency at the above address.

Oral statements will be received and considered; but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

The hearing record will be left open for a period of five days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

All comments or objections received by March 25, 1974, or presented at the public hearing will be considered by EPA before taking final action on the Mississippi Request for State Program Approval.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

FEBRUARY 11, 1974.

[FR Doc.74-3800 Filed 2-14-74;8:45 am]

FEDERAL MARITIME COMMISSION

[FMC-142(a) (Rev. 1-71)]

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 11, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise state-

ment of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

AMERICAN EXPORT LINES, INC., ATLANTICA LINE, SEA-ISLAND SERVICE, INCORPORATED, ZIM AMERICAN ISRAELI SHIPPING CO.

Notice of Agreement Filed by:

Richard W. Kurrus, Esq.
Kurrus & Jacobi
2000 K Street NW.
Washington, D.C. 20006

Agreement No. 9972–3 is an application by the above signatories to the Mediterranean Discussion Agreement for a six month extension of the period of approval from its present expiration date of March 29, 1974 to September 29, 1974. By Order of the Federal Maritime Commission.

Dated: February 6, 1974.

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed by:

F. Conger Fawcett, Esq.
Graham & James
310 Sansome Street
San Francisco, California 94104

Agreement No. 50–27, is an application on behalf of the member lines of the Pacific Coast-Australasian Tariff Bureau for consideration and approval under Section 15, to extend the presently approved intermodal authority, as set forth in Articles II and III (c) of the conference agreement, for an additional period of approximately fifteen months beyond the present expiration date of March 28, 1974, through June 30, 1975. The Pacific Coast-Australasian Tariff Bureau provides for the establishment and maintenance of rates for the movement of cargo in the trades from Pacific Coast ports of the United States and Canada (not including Alaska), and Hawaii, to ports in Australia and various South Seas Islands specifically named therein, including cargo moving under intermodal conditions from, to or between inland points via ports within the scope of the conference agreement.

By Order of the Federal Maritime Commission.

Dated February 6, 1974.

THE CITY OF LONG BEACH AND TOYOTA MOTOR SALES, U.S.A., INC.

Notice of Agreement Filed by:

Mr. Leslie E. Still, Jr.
Deputy
Offices of The City Attorney of Long Beach
Suite 600, City Hall
Long Beach, California 90802

Agreement No. T–2892 between the City of Long Beach (City) and Toyota Motor Sales, U.S.A., Inc. (Toyota) provides for the 10-year nonexclusive preferential assignment to Toyota of certain marine terminal facilities at Berth 243, Pier J, Long Beach, California, for the operation of a contract marine terminal. In addition, Toyota may seek nonexclusive temporary berth assignments for the use of Berths 244, 245, 246, and 247. As compensation, Toyota shall pay City all revenues collected according to the Port of Long Beach Tariff No. 3, subject to a minimum obligation of $366,000 per annum. All revenues derived from dockage, wharfage, wharf storage and demurrage charges, in excess of said minimum obligation, shall be divided equally between the two parties. Toyota's minimum annual obligation shall be subject to renegotiation prior to the last five years of the lease term.

By order of the Federal Maritime Commission.

Dated: February 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–3760 Filed 2–14–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74–408]

ANADARKO PRODUCTION CO.

Notice of Application

FEBRUARY 8, 1974.

Take notice that on January 30, 1974, Anadarko Production Company (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI74–408 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to an affiliated company, Panhandle Eastern Pipe Line Company (Panhandle), from the East Hobart and Buffalo Wallow Areas of Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 13,000 Mcf of gas per month to Panhandle under the optional gas pricing procedure at an initial rate of 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated January 31, 1972, as amended August 23, 1973. Said contract, as amended, provides for a 1.0-cent per Mcf price escalation on July 1, 1974, and each year thereafter, for reimbursement to Applicant from Panhandle for ⅞ of any new or increases taxes, and for a contract term extending for 20 years. Applicant states that this request is limited only to wells commenced after April 6, 1972. Applicant indicates that the contract of January 31, 1972, is on file with the Commission as its FPC Gas Rate Schedule No. 178 and that the sale thereunder was authorized in Docket No. CI72–651.

Applicant states that it is a moderate sized producer and can only explore for gas and develop it to the extent of its available funds. Applicant further states that the cost of drilling lease acquisition and production is continuing to rise rapidly and it does not have the capability to withstand any significant financial burdens such as those to which it would be exposed with lesser revenue realizations. Applicant believes that the initial price of 50.0 cents per Mcf for this sale is within the range of prices specified in other contracts both interstate and intrastate. Applicant states that it has been offered by an intrastate pipeline company 62.0 cents per million Btu for gas from the same formation in this same area and submits that its proposed price is substantially less than the cost of the supplemental and substitute gas in projects undertaken by many pipeline companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 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 person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3743 Filed 2–14–74;8:45 am]

[Docket No. CI74–407]

ARKLA EXPLORATION CO.

Notice of Application

FEBRUARY 8, 1974.

Take notice that on January 28, 1974, Arkla Exploration Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CI74–407 an application pursuant to section 7(c) of the Natural Gas Act for a certificate

of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to its affiliate, Arkansas Louisiana Gas Company (Arkla), from the Southwest O'Keene Field, Blaine County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 68,830 Mcf of gas per month for one year to Arkla from the subject acreage at a rate of 45.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 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 person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3744 Filed 2-14-74;8:45 am]

[Docket Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO.

Notice of Postponement of Hearing

FEBRUARY 11, 1974.

On February 7, 1974, Staff Counsel filed a motion for postponement of the hearing scheduled for February 12, 1974, in Docket No. RP74-23 fixed by notice issued January 31, 1974. The motion states by agreement of the parties the hearing will not apply to the proceeding in Docket No. RP74-22. The motion also states that no party in Docket No. RP74-23 has any objection to this motion.

Upon consideration, notice is hereby given that the hearing in Docket No. RP74-23 is postponed to February 19, 1974, at 10 a.m. All other dates in the notice of January 31, 1974 are unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3746 Filed 2-14-74;8:45 am]

[Docket No. CP72-279]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

FEBRUARY 8, 1974.

Take notice that on January 29, 1974, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. CP72-279 on December 6, 1972 (48 FPC ——), as amended October 9, 1973 (50 FPC ——), pursuant to section 7(c) of the Natural Gas Act by authorizing the continuation through February 28, 1975 of the 59,100 Mcf per day of 100-day gas storage service under Petitioner's FPC Rate Schedule S-3, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is presently authorized to provide its customers with additional storage service of 5,910,000 Mcf of gas during the summer months to assist said customers in meeting their peak day obligations during the 1973-74 winter heating season. This authorization expires on February 28, 1974. Petitioner and Michigan Wisconsin Pipe Line Company (Mich Wisc) have, therefore, entered into an amendatory transportation and storage agreement, dated December 28, 1973, extending the term of this original agreement, dated April 4, 1972, as amended March 2, 1973, through February 28, 1975, on the same terms and conditions as previously authorized in the instant docket.[1] Under the agreement Petitioner will deliver to Mich Wisc near Woodstock, Illinois, a total of 5,910,000 Mcf of gas during the summer months. Such gas will be provided by Petitioner's customers by scheduling storage injection volumes from within their respective effective monthly quantity entitlements. Mich Wisc will cause the injection of an equivalent volume of gas into storage for redelivery to Petitioner during the period of November 1974 through February 1975.

Petitioner states that it has offered this continued service to all of its customers, allocating the 59,100 Mcf of gas per day among them *pro rata* to their existing daily contract quantities under Rate Schedules DMQ-1 and G-1. The volumes not accepted were then reoffered to accepting customers *pro rata* until the total volume was contracted for as detailed below:

	Share of 59,100 Mcf[1]
DMQ-1 customers:	
Associated Natural Gas	166
Illinois Power Co	4,344
Iowa Electric Light & Power Co	2,164
Iowa Illinois Gas & Electric Co	9,637
Iowa Power & Light Co	741
Iowa Southern Utilities Co	389
North Shore Gas Co	5,006
The Peoples Gas Light & Coke Co	34,986
Wisconsin Southern Gas Co., Inc	1,006
G-1 customers:	
Corn, town of	18
Corning, city of	31
Kaskaskia Gas Co	47
Monarch Gas Co	85
Nasville, Ill., city of	72
Perryville, Mo., city of	133
Pinckneyville, city of	91
Spearville, Kans., city of	14
United Cities Gas Co	170
Total	59,100

[1] Mcf at 1,000 Btu per cubic foot as measured on a dry basis. The total volume of 5,910,000 Mcf is approximately equal to the 5,800,000 Mcf storage volume offered by Mich Wisc, which is 1,000 Btu gas per cubic foot measured on a wet basis.

Petitioner states that this additional winter period service is needed by its customers to enable them to meet their presently attached peak-day requirements in the event of a severe winter in 1974-75. Petitioner states further that this service will assist the customers in the development of their own underground storage and development of auxiliary supply sources such as propane air peaking facilities.

The petition states that this proposed storage service will have the effect of converting summer gas supplies to winter gas service use. Petitioner states that no additional facilities will be required.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 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.74-3747 Filed 2-14-74;8:45 am]

[1] Petitioner has represented to its customers that, in the event storage service is available from Mich Wisc beyond the 1974-75 heating season, it is Petitioner's intention to give those customers who participate during the 1974-75 season the opportunity to retain their 1974-75 percentages for subsequent years.

[Docket No. CP74-196]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 11, 1974.

Take notice that on January 29, 1974, Northern Natural Gas Company (Appli-

cant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74–196 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor facilities on its existing Gomez gas supply system located in the Delaware Basin Area of Pecos County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate seven 2,200 horsepower compressor units totaling 15,400 compressor horsepower to be installed on its existing Gomez gathering system as its Pecos County No. 3 compressor station. Applicant states that such facilities are required to offset the natural decline of reservoir pressures in the depletion-type gas fields connected to Applicant's system by its existing Gomez gathering system and are necessary to enable Applicant to receive the gas volumes committed to it for use in meeting its firm delivery commitments.

Applicant's Gomez system is presently operating at line pressures ranging from approximately 1,050 to 1,150 psia while other purchasers from split-connected wells connected to the system are operating their systems at approximately 500 to 700 psia. This variance in operating pressures prevents Applicant from taking ratable volumes committed to it from said wells. Applicant states that the proposed compressor facilities will reduce its gathering line system pressures to a minimum of 500 psia, thus eliminating the pressure differential and enabling the wells connected to its system to produce gas at natural pressure and at contracted rates. Applicant states that with the proposed compression facilities it will be able to take approximately 784,300,000 Mcf of gas from the Gomez Field during the next 20 years in lieu of takes of approximately 606,800,000 Mcf of gas for that period at current higher operating pressures, while maintaining its system delivery capability of 300,000 Mcf per day.

The estimated cost of the proposed facilities is $6,867,000, which will be financed from cash on hand and from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3748 Filed 2–14–74;8:45 am]

[Docket No. RP73–94]

VALLEY GAS TRANSMISSION, INC.

Notice of Extension of Time and Postponement of Hearing

FEBRUARY 11, 1974.

On February 7, 1974, Valley Gas Transmission, Inc., filed a motion for a limited extension of the procedural dates fixed by order issued January 11, 1974. The motion states that all participants, including Staff Counsel, are agreeable to the extension.

Valley's evidence, March 12, 1974.
Staff's evidence, April 9, 1974.
Intervener's evidence, April 23, 1974.
Valley's rebuttal evidence, May 7, 1974.
Prehearing Conference and Hearing, May 21, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–3749 Filed 2–14–74;8:45 am]

[Docket No. RP72–154]

EL PASO NATURAL GAS CO.

Notice of Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustment Provision

FEBRUARY 11, 1974.

Take notice that El Paso Natural Gas Company (El Paso) on January 31, 1974, tendered for filing a notice of change in rates applicable to services rendered by the Northwest Division System properties which are to be divested to Northwest Pipeline Corporation (Northwest) as of January 31, 1974.[1] Such change in rates is proposed to become effective April 1, 1974, and is submitted for the purpose of compensating El Paso and Northwest, as successor to the Northwest Division properties, for increases in the cost of purchased gas and is filed in accordance with the Purchased Gas Cost Adjustment Provision (PGAC) now contained in El Paso's FPC Gas Tariff, First Revised Volume No. 3,[2] to which Northwest will succeed.

El Paso states that the instant notice of change in rates is premised upon divestiture of the Northwest Division System properties and is occasioned solely by, and will compensate only for, increases in the cost of gas purchased, both domestic and imported, for the Northwest Division System properties divested.

The annualized increase in El Paso's Northwest Division System domestic purchased gas costs aggregates $215,138 based upon adjusted Northwest Division System domestic purchased gas volumes for the twelve (12) month period ending December 31, 1973. Additional increased purchased gas costs, aggregating $1,557,690, have occurred as a result of changes in the cost of gas purchased from El Paso's Canadian supplier, Westcoast Transmission Company, Limited (Westcoast). When applied to the Northwest Division System total sales volumes for the same period, the aggregate of the increased domestic and imported purchased gas costs equates to 0.39¢ per Mcf (0.037¢ per therm).

In addition, El Paso has accrued in Account 191, Unrecovered Purchased Gas Cost, $12,132,909 applicable to increases in its Northwest Division System purchased gas costs, both domestic and imported, which have occurred during the period July 1, 1973, through December 31, 1973. Such costs, when applied to the Northwest Division System jurisdictional sales volumes for the same period, produce an additional increase in rates of 5.61¢ per Mcf (0.536¢ per therm) to be applied as a surcharge to all rate schedules identified in the subject filing.

According to El Paso, the $12,132,909 accrued in Account 191 includes $9,561,190 attributable to increased rates made effective November 14, 1973, by Westcoast, in the export price of gas purchased by El Paso from Westcoast at the Sumas, Washington, delivery point for the period November 14, 1973, through December 31, 1973. In order for El Paso to be reimbursed for this increased cost which El Paso states that it has paid to Westcoast, El Paso and Northwest have agreed, as a part of the Divestiture arrangements, that the jurisdictional portion of such amount shall be paid to El Paso, without interest, by Northwest in monthly payments as installments are recovered through the collection by Northwest of the proposed surcharge adjustment.

[1] On September 21, 1973, the Commission granted approvals at Docket Nos. CP74–14, et al., permitting El Paso to abandon its Northwest Division System properties and authorizing Northwest to acquire such properties.

[2] On December 19, 1973, Northwest filed inter alia, a certificate of adoption upon divestiture of El Paso's FPC Gas Tariff, First Revised Volume No. 3 and Original Volume No. 4 and provided that it would file its restated tariff within 90 days. By order issued January 18, 1974, the Commission authorized such adoption to be effective upon divestiture of the Northwest Division System properties.

The proposed effective date of the notice of change in rates and the tendered revised tariff sheet containing the revised rates is April 1, 1974.

El Paso states that copies of the filing have been served upon all parties of record at Docket Nos. RP72-154, RP73-109 and RP74-43 and, otherwise, upon all Northwest Division System customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 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 28, 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. El Paso's proposed tariff sheet and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-3745 Filed 2-14-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

SPECIAL STUDY COMMITTEE ON THE SELECTION OF ARCHITECTS AND ENGINEERS

Notice of Public Hearing

Pursuant to Public Law 92-463, notice is hereby given of a public hearing to be held by the Subcommittee on Assessment of the Public Image of GSA's Architect-Engineer Selection Process on March 6, 1974, at 10 a.m., in Room 2010, New Executive Office Building, 17th and H Streets, NW., Washington, D.C.

The purpose of this hearing is to give all interested parties the opportunity to present their views on and their evaluation of the current procedures used by GSA in the selection of architects and engineers. The Subcommittee is particularly interested in testimony evaluating the opportunity for competition under GSA's A-E contract awards procedure, the availability of public notice about GSA architectural and engineering contracts, and what outside assistance, if any, architects or engineers expect or request in obtaining GSA architectural and engineering contract awards.

All persons or organizations who wish to testify should submit a written request to Mr. Thomas P. Wolf, Executive Director, GSA Special Study Committee (AX), Room 2013, GSA Building, 19th and F Streets, NW., Washington, D.C., not later than February 22, 1974. Written position statements are welcomed and should be submitted by Monday, March 4, 1974.

Dated: February 12, 1974.

ALLAN G. KAUPINEN,
Assistant Administrator.

[FR Doc.74-3840 Filed 2-14-74;8:45 am]

SPECIAL STUDY COMMITTEE ON THE SELECTION OF ARCHITECTS AND ENGINEERS

Notice of Public Hearing

Pursuant to Public Law 92-463, notice is hereby given of a public hearing to be held by the Subcommittee on the Feasibility of Competitive Bidding applied to A-E Procurement on March 7, 1974, at 10 a.m., in Room 2010, New Executive Office Building, 17th and H Streets, NW., Washington, D.C.

The purpose of this hearing is to give all interested parties the opportunity to present their views on the feasibility of requiring architects and engineers to competitively bid for GSA design contracts.

All persons or organizations who wish to testify should submit a written request to Mr. Thomas P. Wolf, Executive Director, GSA Special Study Committee (AX), Room 2013, GSA Building, 19th and F Streets, NW., Washington, D.C., not later than February 25, 1974. Written position statements are welcomed and should be submitted by Monday, March 4, 1974.

Dated: February 12, 1974.

ALLAN G. KAUPINEN,
Assistant Administrator.

[FR Doc.74-3839 Filed 2-14-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[74-12]

NASA STRUCTURAL DYNAMICS AD HOC GROUP

Notice of Meeting

The NASA Ad Hoc Group on Shuttle Structural Dynamics will meet on February 21-22, 1974, at Rockwell International, Space Division, 12214 Lakewood Boulevard, Downey, California. Members of the public will be admitted to all portions of the meeting beginning at 9:00 a.m. on a first-come first-served basis up to the seating capacity of the room which has seating for 50 persons in addition to members of the ad hoc group. Persons planning to attend this meeting should enter the facility through the visitors lobby on Lakewood Boulevard.

The Structural Dynamics Ad Hoc Group is a part of the NASA Space Systems Committee and serves on an advisory capacity only. It is concerned specifically with structural dynamic considerations as they relate to the Space Shuttle development effort. The Chairman of the ad hoc group is Dr. Holt Ashley and there are five members. The following list sets forth the approved agenda and schedule for the February 21-22 meeting of the Structural Dynamics Ad Hoc Group. For further information, please contact Mr. Robert C. Littlefield, area code 202-755-2453.

NASA STRUCTURAL DYNAMICS AD HOC GROUP

February 21-22, 1974, Executive Conference Room, Building One, Rockwell International, Space Division, 12214 Lakewood Blvd., Downey, Calif.

Date/time	*Subject*
Feb. 21: 9 a.m.-5 p.m.	Program Status Summary. POGO. Thermal Protective System. Coupled System Dynamics. Dynamic Loads. Flight Control Systems. Discussion Items from December 1973 Review.
Feb. 22:	
9 a.m.-11 a.m.	Group Discussion.
11 a.m.-12:30 p.m.	Summary.

HOMER E. NEWELL,
Associate Administrator National Aeronautics and Space Administration.

[FR Doc.74-3870 Filed 2-14-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Sociology to be held at 9 a.m. on March 7 and 8, 1974, in Room 511 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda for this meeting will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information concerning this Panel, contact Mr. Garry W. Wallace, Assistant Program Director, Sociology Program, Room 206 G, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

FEBRUARY 6, 1974.

[FR Doc.74-3724 Filed 2-14-74;8:45 am]

ENERGY R&D ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Energy Re-

search and Development Advisory Council will be held at 9 a.m. on February 25 in Room 540 at the National Science Foundation, 1800 G Street NW., Washington, D.C.

The Agenda of the meeting is as follows:

Introductory remarks.
Review of the Administration R&D Budget.
Status of Energy Legislation.
Activities of the Federal Energy Office.
Discussion: Possible Pathways to Project Independence—Including: Impact of Environmental Constraints; Incentives for Industry to Participate in Energy R&D.
Discussion: Future Activities of the Council.
Adjournment.

Information regarding the meeting may be obtained from Dr. Paul P. Craig, National Science Foundation, Washington, D.C. (202) 632-7810. Those intending to attend should telephone Dr. Craig's Office—seating is limited to seventy-five reservations.

Dated: February 11, 1974.

H. GUYFORD STEVER,
Director.

[FR Doc.74-3784 Filed 2-14-74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-443]

AIR EAST, INC., BEECHCRAFT 99A

Notice of Hearing

In the matter of investigation of accident involving an Air East, Inc., Beechcraft 99A of United States Registry N125AE, at Johnstown, Pennsylvania, January 6, 1974. Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:00 a.m., e.d.t., on March 19, 1974, in the Heritage Room of the Holiday Inn, 1540 Scalp Avenue, Johnstown, Pennsylvania.

Dated this 7th day of February 1974.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.74-3766 Filed 2-14-74;8:45 am]

TARIFF COMMISSION

[TEA-W-224]

WALL-STREETER SHOE CO.

Notice of Investigation Regarding Workers' Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Wall-Streeter Shoe Co., North Adams, Massachusetts, the United States Tariff Commission, on February 6, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men (of the types provided for in items 700.29, 700.35, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by February 25, 1974.

The petition filed in this case is available for inspection at the Office of the Secertary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: February 12, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-3792 Filed 2-14-74;8:45 am]

[TEA-F-60]

SBICCA OF CALIFORNIA

Notice of Investigation Regarding Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of Sbicca of California, South El Monte, California, the United States Tariff Commission, on February 7, 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 footwear for women (of the types provided for in item 700.45 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.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed by February 25, 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., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 11, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-3791 Filed 2-14-74;8:45 am]

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to P.L. 92-463 that a meeting of the Career Development Committee, authorized by 38 USC 4101, will be held at the Queeny Tower, Washington University Medical School, St. Louis, Missouri, on April 4-5, 1974 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration hospital system. The Committee advises the Assistant Chief Medical Director for Research and Development on selection and appointment of Research and Education Associates, Clinical Investigators, Medical Investigators and Senior Medical Investigators.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, D.C. (202-389-5065) prior to April 2.

The meeting will be closed from 9 a.m. to 5 p.m. on April 4 and from 8 a.m. to 4 p.m. on April 5 for consideration of individual applications. Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Unit, Research Service, Veterans Administration, Washington, D.C. (Phone 202-389-5065).

Dated: February 11, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-3765 Filed 2-14-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL

Meeting of Committee on Industrial Safety

A meeting of the Labor Research Advisory Council's Committee on Industrial Safety will be held on March 5 at 10 a.m. in Room 4454, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The agenda for the meeting follows:

1. Annual Survey:
   Preliminary results of the 1972 Survey.
   Scope and target dates for the 1973 Survey.
2. State statistical programs:
   Status of State statistical grants and State plans.

3. Recordkeeping regulations:
   Revision of rules.
   Informing employers.
4. General discussion of how to include all occupational illnesses in the record.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961–2247.

Signed at Washington, D.C. this 8th day of February 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74–3739 Filed 2–14–74;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Notice of Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10 a.m., February 26, 1974, at the National Association of Letter Carriers Building in the Board Room, 100 Indiana Avenue NW., Washington, D.C. The agenda for the meeting is as follows:

1. Annual Survey:
   Preliminary results of the 1972 Survey.
   Scope and target dates for the 1973 Survey.
2. State statistical programs:
   Status of State statistical grants and State plans.
3. Recordkeeping regulations:
   Revision of rules.
   Informing employers.
4. General discussion of how to include all occupational illnesses in the record.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961–2559.

Signed at Washington, D.C. this 8th day of February 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74–3740 Filed 2–14–74;8:45 am]

Occupational Safety and Health Administration

POSSIBLE HAZARDS OF VINYL CHLORIDE MANUFACTURE AND USE

Request for Information and Notice of Fact-Finding Hearing

Correction

In FR Doc. 74–2604 appearing on page 3874 of the issue of Wednesday, January 30, 1974, the headings should read as set forth above.

Office of the Secretary

GENERAL ELECTRIC CO.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of January 4, 1974, the U.S. Tariff Commission made a report of the results of its investigation (TEA–W–217) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted by the Allied Industrial Workers of America (AFL–CIO), Local 783 on behalf of workers and former workers of the Owensboro, Ky. plant of the General Electric Co., New York, N.Y. In this report, the Commission found that articles like or directly competitive with electronic receiving tubes and components thereof known as mounts produced by the Owensboro, Ky. plant of the General Electric Co., New York, N.Y., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation 34 FR 18342; 37 FR 2472; 39 FR 1798; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with electronic receiving tubes and components thereof known as mounts produced by General Electric Co.'s Owensboro, Ky. plant increased substantially. In an effort to lower costs and compete more effectively with imported electronic receiving tubes, General Electric began importing tube mounts in late 1970 from a company plant in Singapore instead of producing them at the Owensboro plant. Beginning in 1971, increased imports of electronic receiving tubes and tube mounts, particularly tube mounts from General Electric's Singapore plant, were the major factor in causing declines in Owensboro plant tube and tube mount production. Significant reductions in tube and tube mount-related employment at the Owensboro plant resulting in major part from increased imports of electronic receiving tubes and tube mounts began in May 1971 and have continued. After due consideration, I make the following certification:

All hourly and salaried workers employed in the electronic receiving tube sections of the Owensboro, Ky. plant of the General Electric Co., New York, N.Y., who became or will become unemployed or underemployed after May 20, 1971, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 11th day of February 1974.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.74–3788 Filed 2–14–74;8:45 am]

ZENITH RADIO CORP.

Termination of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), and subsequent investigation as authorized under 29 CFR Part 90 and notice in 34 FR 18342; 37 FR 2472; 38 FR 9195, and Executive Order 11075, a certification under section 302(c) of the Trade Expansion Act was made on May 14, 1973 (38 FR 13405) certifying in part that certain employees of Zenith Radio Corporation's plant #1, Chicago, Illinois engaged in the production of radio-phonograph combinations, and that certain employees of the corporation's plant #2, Chicago, Illinois engaged in the production of radio receivers, are eligible to apply for adjustment assistance under Chapter 3, Title III of the Act, as more particularly described in the Notice of Certification.

Executive Order 11075, as amended, delegates to the Secretary, with the power of redelegation, the authority under section 302(e) of the Act to terminate the effect of any certification of the eligibility of a group of workers whenever he determines that separations from the firm or appropriate subdivision thereof are no longer attributable to the conditions specified in section 301(c)(2) of the Act. Such terminations apply only with respect to separations occurring after the termination date specified by the Secretary or his delegate. The Department, through the Director of the Office of Foreign Economic Policy, instituted a termination investigation with respect to the outstanding certifications concerning workers at Chicago plants #1 and #2 of the Zenith Radio Corporation.

Following this, the Director made a recommendation to me that the effect of those certifications be terminated (29 CFR Part 90, Subpart D). In the report she noted that imports like or directly competitive with radio-phonograph combinations and radio receivers produced by Zenith, after increasing significantly during 1968–72, stabilized in 1973; the ratio of imports to consumption for radio-phonograph combinations declined slightly in 1973 from 1972 levels while the ratio for radio receivers remained unchanged. Recent currency revaluations have significantly increased the cost of imported home entertainment products, in turn both increasing the demand for Zenith's domestically produced products and facilitating the transfer of much of Zenith's production back to plants in the United States. As a result, in 1973 total employment at plants #1 and #2 reached its highest level since 1969; all workers laid off during 1968–72 had the opportunity for recall in 1973. The currency revaluations coupled with Zenith's intentions to continue transferring production back to domestic plants should allow employment at Zenith to remain at high levels in the near future. The Director concluded that unemployment occurring after March 1, 1974 would not be the

result in major part of concession generated increased imports of radio-phonograph combinations and radio receivers, as specified in section 301(c)(2) of the Act.

After due consideration I determine that the effect of the certifications with respect to Chicago plants #1 and #2 be hereby terminated as of March 1, 1974, and amend each of the certifications to include the date of termination as follows:

All hourly employees of Zenith Radio Corporation's plant #1, Chicago, Illinois, engaged in the production of radio-phonograph combinations in Departments 526, Assembly; 527 Repair; 568 Quality Control; and radio-phonograph combination production support and sub-assembly personnel, who became unemployed or underemployed after February 28, 1972 *and before March 1, 1974* are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All hourly employees of Zenith Radio Corporation's plant #2, Chicago, Illinois, engaged in the production of radio receivers in Departments 145, Cabinet Assembly; 146, Chassis Assembly; 148, Final Test, Balance, and Repair; and 149, Final Cabinet Assembly, who became unemployed or underemployed after October 19, 1970 *and before March 1, 1974* are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 11th day of February 1974.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.74-3789 Filed 2-14-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 446]

ASSIGNMENT OF HEARINGS

FEBRUARY 12, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-8065, Quality Drug Stores, Inc. v. Eastern Freight Ways, Inc.; MC-C-8066, Quality Drug Stores, Inc. v. Preston Trucking Company, Inc.; and MC-C-8068, Quality Drug Stores, Inc. v. Hermann Forwarding Company, now assigned March 4, 1974, at Harrisburg, Pa., is cancelled and reassigned March 6, 1974, at the Liquor Control Board, Capitol & Forster Streets, Harrisburg, Pa.

MC 2229 Sub 180, Red Ball Motor Freight, Inc., now being assigned hearing May 7, 1974 (3 weeks), at Dallas, Tex., in a hearing room to be later designated.

MC 108341 Sub 32, Moss Trucking Company, Inc., continued to April 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113678 Sub-504, Curtis, Inc., now assigned March 25, 1974, at Columbus, Ohio, is postponed indefinitely.

MC 116073 Sub 31, Barrett Mobile Home Transport, Inc., Extension—Buildings (13 Western States), MC 116073 Sub 35, Barrett Mobile Home Transport, Inc., Extension—Buildings (Arizona), MC 116073 Sub 85, Barrett Mobile Home Transport, Inc., Extension—Idaho (Moorhead, Minn.), Now being assigned hearings April 29, 1974 (3 days), at Phoenix, Ariz., May 2, 1974 (2 days), at Las Vegas, Nev., May 6, 1974 (3 days), at Los Angeles, Calif., May 9, 1974 (2 days), at Seattle, Wash., May 13, 1974 (2 days), at Spokane, Wash., May 15, 1974 (3 days), at Boise, Idaho, June 10, 1974 (2 days), at Great Falls, Mont., June 12, 1974 (2 days), at Billings, Mont., June 17, 1974 (1 week), at Denver, Colo., June 24, 1974 (2 days), at Pierre, South Dakota, in hearing rooms to be later designated.

MC 95540 Sub-886, Watkins Motor Lines, Inc., now being assigned March 25, 1974, at Denver, Colo., in a hearing room to be later designated.

MC 107515 Sub-865, Refrigerated Transport Co., Inc., now being assigned March 25, 1974, at Denver, Colo., in a hearing room to be later designated.

MC 128383 Sub 32, Pinto Trucking Service, Inc., now being assigned hearing March 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8277, Cedar Rapids Steel Transportation, Inc.—Investigation and Revocation of Certificates—now being assigned hearing March 25, 1974 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 124211 Sub 121, Hilt Truck Line, Inc., now being assigned hearing March 27, 1974 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

I&S M-27376, Increased Rates and Charges, From and To Southern Territory; and I&S M-27376 Sub-1, Increased Rates and Charges, From and To Southern Territory, now assigned February 12, 1974, at Washington, D.C., is postponed to March 12, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112822 Sub 293, Bray Lines, Inc., now being assigned hearing March 25, 1974 (1 day), in Room 609, Federal Office Bldg., 911 Walnut Street, Kansas City, Missouri.

MC 121567 Sub 4, Wichita Air Cargo Delivery, Inc., now being assigned hearing March 26, 1974 (2 days), in Room 609, Federal Office Bldg., 911 Walnut Street, Kansas City, Missouri.

MC 52460 Sub 127, Hugh Breeding, Inc., now being assigned hearing March 28, 1974 (2 days), in Room 609, Federal Office Bldg., 911 Walnut Street, Kansas City, Missouri.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3786 Filed 2-14-74;8:45 am]

[Ex Parte No. 299]

FREIGHT RATES AND CHARGES

Increase To Offset Retirement Tax Increases—1973

FEBRUARY 7, 1974.

By petition filed on January 31, 1974, substantially all of the Nation's railroads, in accordance with the amendments to the Interstate Commerce Act effected by the Railroad Rate Adjustment Act of 1973 (Public Law 93-69), and the requirements and procedures promulgated thereunder in Ex Parte No. 298, *Requirements and Procedures Relating to Railroad Rate Adjustment Act of 1973*, (49 CFR 1107), request the Commission to permit the filing of a proposed tariff and the establishment of additional interim increases in rates and charges to offset increases in taxes resulting from a higher taxable base per employee subject to retirement taxes. The additional taxes became effective on January 1, 1974, pursuant to Public Law 93-233. The advance sought in rates and charges to offset the tax increase is 0.3 percent. By report and order of the Commission in this proceeding served on September 13, 1973, ____ I.C.C. ____, the petitioners herein were authorized to file interim increases to offset increases in retirement taxes in two phases, namely, (1) a 1.9 percent increase on October 1, 1973, to account for an increase in the tax rate, and (2) a further 0.7 percent increase on January 1, 1974, to account for an increase from $900 to $1050 in the taxable base per employee. The instant petition seeks to offset a hitherto unscheduled increase in the taxable base from $1,050 to $1,100 per employee. The total of all increases which would result if the petition be granted would be 2.9 percent. Petitioners assert that the justification for the increase sought is contained in verified statements already filed in this proceeding. The proposed tariff supplement (attached to the petition) would merely substitute a new table providing for an increase of 2.9 percent in lieu of the presently effective 2.6 percent, and all increases are subject to possible refund under a presently effective tariff rule which would continue to have application. Authority is requested to file the substitute tariff on 10 days' notice. In essence, petitioners seek to amend their petition August 15, 1973, which underlies this proceeding.

In accordance with the provisions of section 15a(4) (a) and (b) of the Interstate Commerce Act, added by the recent statute, the order required to be issued within 30 days will be based solely on the Commission's analysis and verification of the data and information submitted by the petitioning railroads in accordance with the regulations prescribed in Ex Parte No. 298, *supra*. However, that order will be published in the FEDERAL REGISTER and will provide for notification to the Commission by all persons who are not already participating in the hearing of this proceeding under the provisions of section 15a (4) (c) of the act and to those who may now wish to become parties to the proceeding for the purpose of participating in such further hearings as may be necessary because of the instant petition.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-3785 Filed 2-14-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR — Page

305 — 4846
310 — 4846

3 CFR

PROCLAMATIONS:
1362 (Revoked in part by P.L.O. 5409) — 5488
4262 — 4061
4263 — 4659
4264 — 4865
4265 — 4867
4266 — 5173
4267 — 5175
4268 — 5177

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

MEMORANDA:
Dec. 20, 1973 — 4463
Jan. 21, 1974 — 5179
Jan. 28, 1974 — 5181

4 CFR

PROPOSED RULES:
10 — 5201

5 CFR

213 — 4869, 5619
752 — 4063, 5183
930 — 4064

PROPOSED RULES:
890 — 5640

6 CFR

Rulings — 4665
150 — 4064, 4557, 5183, 5117, 5318, 5747
152 — 4065, 4577, 4558, 5317, 5318, 5747
155 — 4869

PROPOSED RULES:
150 — 5787

7 CFR

30 — 5299
68 — 4749
240 — 5481
250 — 5183
301 — 5481
401 — 5303
660 — 4749
723 — 4558
724 — 4560, 4563
726 — 4565
862 — 4750
907 — 4465, 4869, 5775
910 — 4870, 5776
928 — 5184
1421 — 4566, 5184
1424 — 5776
1427 — 5185
1475 — 4567
1800 — 5305, 5307
1823 — 4870

PROPOSED RULES:
26 — 4640
910 — 4067
927 — 5320
980 — 4580

7 CFR—Continued — Page

PROPOSED RULES—Continued
1001 — 5642
1002 — 5642
1004 — 5642
1011 — 4483
1013 — 4925
1015 — 5642
1033 — 5642
1036 — 5642
1040 — 5642
1049 — 5642
1464 — 5777

9 CFR

71 — 4465
73 — 5186
76 — 5186, 5620, 5748
78 — 4465
123 — 5307
381 — 4568
381 — 4466
335 — 4067
381 — 4568

PROPOSED RULES:
201 — 4667
381 — 4113

10 CFR

11 — 5620
50 — 4871, 5773
115 — 5773
140 — 5310
210 — 4466, 5311
211 — 4450, 4466, 4871, 5272
212 — 4450, 4466, 4784, 5775
523 — 5748
545 — 5750
563 — 5752
Rulings — 5310

PROPOSED RULES:
2 — 4582
31 — 4583
32 — 4583
50 — 4582
70 — 4930
150 — 4930
211 — 4592

12 CFR

4 — 5187
208 — 5482
339 — 4756, 5748
522 — 5626

PROPOSED RULES:
206 — 4487
545 — 4594, 5199, 5324
563 — 5200, 5325
563b — 4594
571 — 5325

13 CFR

101 — 4468
121 — 5626

14 CFR

39 — 4074, 4075, 4756, 4757, 5483, 5754
71 — 4075, 4570, 5187, 5484, 5627
97 — 4075, 5485, 5754

14 CFR—Continued — Page

232 — 4469
241 — 5756

PROPOSED RULES:
Ch. I — 5785
39 — 4927, 4928, 5639
61 — 5502
67 — 5502
71 — 4485, 4581, 4667, 4928, 5503, 5640
73 — 5503
121 — 5502
127 — 5502
152 — 5784
183 — 5502
207 — 4670
208 — 4670
212 — 4670
214 — 4670
244 — 4930

15 CFR

377 — 5311
1000 — 4871

16 CFR

4 — 4661
13 — 4469, 4758, 4873–4876
302 — 4852
1500 — 4469

PROPOSED RULES:
302 — 4855
502 — 4887
1700 — 5197

17 CFR

PROPOSED RULES:
240 — 5204
249 — 5204
270 — 5209, 5506
274 — 5506
275 — 5209

18 CFR

141 — 4473
154 — 5312
260 — 4473

PROPOSED RULES:
Ch. I — 4671
141 — 5200
260 — 5200

19 CFR

1 — 4876, 5312
4 — 4876
19 — 4876

PROPOSED RULES:
1 — 4580, 5777
6 — 5320

20 CFR

405 — 4661

PROPOSED RULES:
146 — 4785
405 — 5324
416 — 4115, 4483, 4785, 5778

21 CFR — Page

1 — 5627
15 — 5188
17 — 5188
19 — 4076, 4760
45 — 5764
51 — 5760
121 — 4077, 5313, 5628, 5765
125 — 5313
130 — 4078
135b — 4475, 4759
135c — 4759, 5190
135e — 4475
135f — 4475
141e — 4570
148e — 4570

PROPOSED RULES:

51 — 5777
55 — 5643
121 — 5197
128 — 5197
128c — 4113
133 — 5197
600 — 4113
610 — 4113
640 — 4113

23 CFR

765 — 4078

24 CFR

0 — 4089
203 — 4089
207 — 4089, 5767
220 — 4089
300 — 4661
1914 — 4090, 4091, 4877–4879, 5767–5770
1915 — 4092, 4093, 5496
1931 — 4094

PROPOSED RULES:

1272 — 4484
1276 — 5723

25 CFR

221 — 5628

26 CFR

12 — 4476
301 — 4476

PROPOSED RULES:

1 — 4482
301 — 4482

27 CFR

47 — 4760

28 CFR

0 — 4080
19 — 4736

PROPOSED RULES:

20 — 5636

29 CFR

96 — 5900
102 — 4080
520 — 4478
570 — 4478, 4760
1928 — 4925
1952 — 4661
1953 — 5629

PROPOSED RULES:

601 — 5329
613 — 5329
657 — 5329
673 — 5329

29 CFR—Continued — Page

PROPOSED RULES—Continued

675 — 5329
678 — 5329
690 — 5329
699 — 5329
720 — 5329
727 — 5329
728 — 5329
729 — 5329
1928 — 4536
1953 — 5328
2201 — 4674, 5204

30 CFR

PROPOSED RULES:

260 — 4108

31 CFR

315 — 5313
341 — 4661

32 CFR

872 — 5485
888d — 4477
1466 — 4571
1472 — 4571

32A CFR

Ch. VI:
DPS Reg. 1 — 4478

PROPOSED RULES:

Ch. X — 5193, 5639

33 CFR

110 — 4478, 5314
117 — 4479, 5314
177 — 5488

PROPOSED RULES:

401 — 5794

35 CFR

5 — 4880

PROPOSED RULES:

133 — 4931

38 CFR

3 — 5314
21 — 5315

PROPOSED RULES:

2 — 5211
3 — 4673
17 — 5211
110 — 4484
117 — 4485

39 CFR

122 — 5488
447 — 4081

40 CFR

35 — 5252
52 — 4081, 4082, 4662, 4880, 4882, 4883
87 — 4884
180 — 4663, 5765
401 — 4532
412 — 5704
426 — 4760, 5712

PROPOSED RULES:

52 — 4116, 4485, 5198, 5324, 5503, 5504, 5791
120 — 4485
180 — 4486, 4487
401 — 4487
402 — 4487
405 — 4117

40 CFR—Continued — Page

PROPOSED RULES—Continued

408 — 4708
410 — 4628
412 — 5709
426 — 5720

41 CFR

8–12 — 5315
15–60 — 4670
60–2 — 5630
60–60 — 5630
101–18 — 4663
101–26 — 5765

PROPOSED RULES:

8–2 — 5326
8–7 — 5327
8–18 — 5326
101–17 — 4888
101–18 — 4894
101–19 — 4905
101–20 — 4912
101–21 — 4922
101–22 — 4924
101–23 — 4924
101–24 — 4924

42 CFR

50 — 4730, 5315
57 — 4770, 4775, 4778

43 CFR

421 — 4755
1820 — 5633

PUBLIC LAND ORDERS

924 (revoked in part by P.L.O. 5409) — 5488
5408 — 5316
5409 — 5488
5410 — 5488
5411 — 5632

PROPOSED RULES:

3300 — 4105
4112 — 5193
5400 — 5502
5420 — 5502

45 CFR

205 — 4733, 5316
233 — 5316
248 — 5552
249 — 5552
602 — 4664
1207 — 5770

PROPOSED RULES:

118 — 5321
233 — 4114
234 — 5323
250 — 5324
401 — 5248

47 CFR

0 — 4571, 5912
2 — 5912
73 — 4571, 4574, 4885, 5585, 5774
81 — 5488
83 — 4578, 5488
87 — 5316

PROPOSED RULES:

2 — 4931
73 — 4117, 4586, 4592, 4670, 4671, 5641
89 — 4931
15–60 — 4760

49 CFR Page

1 ---- 4082, 5766
85 ---- 4083, 5190
555 ---- 5489
571 ---- 4087, 4578, 4664, 5190, 5489
573 ---- 4578
574 ---- 5190
575 ---- 4087
1033 ---- 4087, 4088, 4479, 4579, 4665, 4781, 4783, 5489
1085 ---- 4784
1240 ---- 5766
1249 ---- 5766

PROPOSED RULES:

174 ---- 4668
230 ---- 4929
571 ---- 4116, 4670
575 ---- 4116
1057 ---- 4488, 4787
1310 ---- 4787

50 CFR

28 ---- 4665, 5316, 5634
29 ---- 5490
33 ---- 4886, 5317, 5634, 5635
216 ---- 5635
240 ---- 5635
245 ---- 5491

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
4055–4455	Feb. 1
4457–4549	4
4551–4649	5
4661–4741	6
4743–4857	7
4859–5166	8
5167–5292	11
5293–5471	12
5473–5578	13
5579–5740	14
5741–6041	15

federal register

FRIDAY, FEBRUARY 15, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 33

PART II

DEPARTMENT OF LABOR

■

PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Implementation of Public Employment Programs

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Implementation of Public Employment Programs

Pursuant to section 602(a) of the Comprehensive Employment and Training Act of 1973 (Public Law 93-203, 87 Stat. 839), which authorizes the Secretary of Labor to prescribe such rules, regulations, guidelines and other published interpretations as he deems necessary to carry out the provisions of this Act, the following regulations are promulgated to facilitate the implementation of Title II at the earliest possible date. Title II provides for the establishment of public employment programs and, as authorized under Titles I and III-A, comprehensive manpower services. These initial regulations are being promulgated prior to the issuance of regulations pertaining to the implementation of the entire Act and may be amended or revised when such regulations are promulgated at a later date. An appeals procedure will be set forth in the regulations for the entire Act.

The Title II regulations, set forth below, amend Title 29 by adding a new Part 96.

Each substantive provision of the regulations makes reference to appropriate sections of the Act. The regulations promulgated herein shall become effective March 2, 1974.

As these regulations relate to public property loans, benefits, or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a)(2). The policy of this Department as stated in 29 CFR 2.7 is not to use this exception as a basis for not giving opportunity for notice and comment. In this case, in order to effect promptly the purposes of the Comprehensive Employment and Training Act, it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective 15 days after publication, it is the policy of this Department to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal, until April 1, 1974, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however, in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data, or arguments to: Assistant Secretary for Manpower, U.S. Department of Labor, 6th and D streets NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Acting Associate Manpower Administrator for Manpower Development Programs.

The new Part 96, which shall be effective on March 2, 1974, reads as follows:

Subpart A—General

Sec.
96.1 Scope and purpose.
96.2 Allocation of funds.
96.3 Eligibility for funds.

Subpart B—Grant Application

96.10 General.
96.11 Eligible applicant notification.
96.12 Content and description of initial grant application.
96.13 Comment and publication procedures relating to submission of grant application.
96.14 Submission of initial grant application.
96.15 Application approval.
96.16 Application disapproval.
96.17 Use of alternative eligible applicants.
96.18 Modification of Grant agreements.
96.19 Modification of Comprehensive Title II Plan.

Subpart C—Program Operation Requirements

96.20 General.
96.21 Basic responsibilities of eligible applicants.
96.22 Basic responsibilities of program agents; relationship with eligible applicants.
96.23 Acceptable public employment positions.
96.24 Maintenance of effort.
96.25 Responsibility for selecting participants.
96.26 Special limitations on programs and participant selection.
96.27 Eligibility for participation in a Title II program.
96.28 Special consideration for most severely disadvantaged persons.
96.29 Serving significant segments of the population.
96.30 Groups to be provided special consideration.
96.31 Training and supportive services.
96.32 Linkages with other manpower programs.
96.33 Placement goals.
96.34 Compensation for participants.
96.35 Working conditions for participants.
96.36 Retirement benefits for participants.
96.37 Maintenance of a merit system.
96.38 Use of Title II funds for programs under Titles I and III-A.
96.39 Use of Title II funds for summer employment.

Subpart D—Special Conditions for Grants to Indian Tribes on Federal and State Reservations

96.40 General.
96.41 Distribution of funds.
96.42 Eligibility for funds.
96.43 Assistance by the Secretary.
96.44 Nepotism.
96.45 Non-Discrimination.
96.46 Subgrants.
96.47 Comment and publication procedures relating to submission of Indian grant applications.

Subpart E—Grant Administration

96.50 General.
96.51 Payments.
96.52 Letter of credit.
96.53 Payment by Treasury check.
96.54 Financial management systems.
96.55 Audits and evaluation.
96.56 Reporting requirements in general.
96.57 Quarterly Progress Report.
96.58 Summary of Client Characteristics Report.
96.59 Report of federal cash transaction.
96.60 Limitation on funds.
96.61 Allowable Federal costs for program administration.
96.62 Use of Federal excess property.
96.63 Use of participants in administration of programs.
96.64 Procurement standards.
96.65 Authority to enter into contracts and agreements.

Subpart F—General Provisions

96.100 Definitions.
96.101 Adjustments in payments.
96.102 Termination of grant.

AUTHORITY: These regulations are promulgated pursuant to the authority contained in the Comprehensive Employment and Training Act of 1973 (Public Law 93-203, Sec. 602(a), 87 Stat. 839), unless otherwise noted.

Subpart A—General

§ 96.1 Scope and purpose.

(a) This part contains the Department of Labor's regulations providing for the establishment and operation of public employment programs, and other manpower programs, under Title II of the Act.

(b) Definitions for every abbreviation and major term may be found in Subpart F of this Part 96.

(c) Statutory authority for the regulations contained in this part is found in the provisions of section 602(a) of the Act, and in such other provisions of the Act as are noted at the end of each substantive provision of these regulations.

(d) The regulations contained in this part have been promulgated on an expedited basis in order to assure the prompt implementation of programs authorized under Title II of the Act. These regulations may be amended when the regulations implementing the entire Act are promulgated at a later date. If these regulations are amended or revised, the eligible applicant shall comply with them or will notify the Assistant Regional Director for Manpower (ARDM) within 30 days after promulgation of the amendments or revision that it cannot so conform, in which case the grant will be terminated (section 3(b)).

§ 96.2 Allocation of funds.

(a) Funds appropriated under Title II of the Act are available only for areas of substantial unemployment and may be allocated by the Secretary only to eligible applicants (sections 204(a) and 204(c)).

(b)(1) At least 80 percent of the funds available under Title II shall be allocated among eligible applicants in accordance with a ratio comparing the number of unemployed persons residing in areas of substantial unemployment within each eligible applicant's jurisdiction to the number of unemployed persons residing in all areas of substantial unemployment (section 202(a)).

(2) Funds not allocated as provided in paragraph (1) may be distributed by the Secretary at his discretion taking into account the severity of unemployment in such areas and may include additional

areas of substantial unemployment designated by the Secretary after the initial allocation of Title II funds (section 202(b)).

(c) An eligible applicant shall distribute to a program agent those funds that are allotted to the eligible applicant due to the level of unemployment within the program agent's jurisdiction, unless the program agent declines to operate a program under Title II of the Act, in which case, the eligible applicant will make other arrangements to serve that jurisdiction (section 204(d)(1)).

§ 96.3 Eligibility for funds.

(a) Funds shall be allocated by the Secretary only to eligible applicants. Eligible applicants are those prime sponsors and Indian tribes on Federal or State reservations, as defined in Subpart F of this Part 96, which include areas of substantial unemployment (section 204(a)).

(b) For the purpose of allocating funds during fiscal year 1974, the term "eligible applicant" shall include any entity which is eligible to be a prime sponsor under Title I of the Act and Indian tribes on Federal or state reservations as described in § 96.42 (section 204(b)).

(c) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant within the State unless the non-State eligible applicant has not submitted an approvable application for title II funds (sections 204(a) and 102(b)(1)).

(d) A unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless such smaller unit has not submitted an approvable application for such areas (sections 204(b) and 102(b)(2)).

(e)(1) Eligible applicants shall distribute funds to program agents, as provided in § 96.2(c) (section 204(d)(1)).

(2) No program agent shall receive or continue to receive funds for any area of substantial unemployment within the jurisdiction of another program agent unless the ARDM determines that the smaller program agent has not carried out its administrative responsibility for developing, funding, overseeing, and monitoring programs within its area, consisting with the application for financial assistance developed by the eligible applicant (sections 204(d)(3) and 102(b)(2)).

(f) An eligible applicant or program agent whose entire jurisdiction qualifies as an area of substantial unemployment shall, to the extent feasible, allocate funds for identifiable subareas which meet the unemployment rate requirement of areas of substantial unemployment in § 96.100(b)(3). Such allocation to subareas shall be made so that each subarea receives the percentage of the total amount of funds available to the eligible applicant or program agent that is equal to the percentage of unemployed persons residing in each subarea compared to the number of unemployed persons residing in the entire jurisdiction of the eligible applicant or program agent.

(g) If an eligible applicant finds that there is an area of substantial unemployment within its jurisdictions that has not been so designated by the Secretary to receive assistance, it may recommend that such area be considered for assistance by the Secretary. In making any such recommendation, the eligible applicant must include a precise geographical definition of the area to be served and its population. Such a recommendation shall be submitted to the ARDM. The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the determination and the reasons therefor.

Subpart B—Grant Application

§ 96.10 General.

This Subpart B provides the procedures for obtaining an initial grant, for fiscal year 1974, to operate programs under Title II of the Act. The grant application requirements for funding of subsequent programs under Title II shall be promulgated at a later date.

§ 96.11 Eligible applicant notification.

Eligible applicants shall be notified of their eligibility for grants under Title II. At that time, eligible applicants shall, in accordance with the procedures contained in the "Announcement of Proposed Financial Assistance and Request for Notice of Intent to Apply for Prime Sponsorship" published in the FEDERAL REGISTER, Wednesday, January 23, 1974, (39 FR 2743), inform the ARDM, the Governor, and the State and appropriate metropolitan or regional substate clearinghouse, as provided in OMB Circular A-95, of its intention to apply for a grant. If an eligible applicant desires to apply for a grant and so notifies the ARDM, a complete application package with forms and instructions will be furnished to the eligible applicant.

§ 96.12 Content and description initial grant application.

(a) The initial grant application package shall contain:

(1) Application for Federal assistance (application face sheet);

(2) Comprehensive Title II Plan;

(3) Assurances, certifications and requirements under section 205(c) of the Act; and

(4) Grant Signature Sheet.

(b) A description of these documents follows:

(1) The application for Federal assistance (application face sheet) summarizes specific data concerning the application and provides certain general information necessary for the proper processing of the application. Such information included identification of the eligible applicant, identification of A-95 clearinghouse (pursuant to OMB circular A-95), Federal funding, and type of assistance.

(2) The Comprehensive Title II Plan consists of a program summary, an occupational summary, project operating plan, and required narrative description of program operations:

(i) The program summary presents the distribution of public employment jobs, comprehensive manpower services, and funds to be provided by eligible applicants and subgrantees. It designates the areas to be served and the population of each.

(ii) The occupational summary provides by occupational title, the number of jobs, monthly wage rates, man-months employed and total monthly wages.

(iii) The project operating plan provides for a quantitative statement of the planned expenditures, enrollment levels, and outcomes for the participants in the program. In addition, the form contains planned expenditures for the following cost categories: Administration, wages, fringe benefits, training and services.

(iv) Narrative descriptions are those required in § 96.14.

(3) The Assurances and Certification Form is a signature sheet on which the eligible applicant assures and certifies that it will comply with the Act, the regulations of the Department, and applicable circulars from the Office of Management and Budget and the General Services Administration.

(4) The Grant Signature Sheet specifies the amount of funds obligated by the Department, and the term of the grant. It is signed by the ARDM and the authorized officials of the eligible applicant.

§ 96.13 Comment and publication procedures relating to submission of grant application.

(a) Each eligible applicant that plans to apply for a grant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity to comment on its application to the following:

(1) The Governor;

(2) Officials of appropriate units of general local government within the eligible applicant's jurisdiction;

(3) State and appropriate sub-state A-95 clearinghouse;

(4) Officials of labor organizations representing employees who are engaged in similar work in the same political jurisdiction as that proposed to be performed by the eligible applicant (section 206).

(b) Each eligible applicant shall provide a copy of its application, for the purpose of commenting thereon, to the Governor, appropriate units of general local government with a population of at least 10,000 persons, officials of appropriate labor organizations described in paragraph (a)(4) of this section, and the State and appropriate sub-state A-95 clearinghouse. Units of general local government with a population of less that 10,000 persons may comment through the publication procedure set out in paragraph (c) of this section.

(c) Each eligible applicant shall publish, no later than the date of its submission of an application to the ARDM, its program summary in a newspaper or newspapers which will provide for general circulation throughout the areas to be served by the eligible applicant's plan. Such publication shall be for 3 consecutive days and shall include an address and appropriate hours when the complete grant application will be available for review and the place where comments may be directed.

(d) Comments pursuant to paragraphs (b) and (c) of this section shall be made to the eligible applicant and the ARDM within 30 days of publication.

(e) An eligible applicant shall respond to any comment made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt due to the comment. All such comments and responses shall be transmitted to the ARDM as provided in § 96.14 or, if a comment is received after the application submission, separately to the ARDM.

(f) For grants under Title II for fiscal year 1974 and grants under Titles I and II for fiscal year 1975, each eligible applicant shall submit a copy of its application to the appropriate A-95 clearinghouse at the same time it submits its application to the ARDM. The copy of the application sent to the clearinghouse shall be accompanied by the following statement: "Due to the time constraints on implementation of Title I and II of the Comprehensive Employment and Training Act of 1973, the program plan(s) required by section 205 of the Act is (are) being submitted to the clearinghouse and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Assistant Regional Director for Manpower. This review and comment procedure has been approved by the Office of Management and Budget only for FY 1974 Title II and FY 1975 Titles I and II program approval cycles."

§ 96.14 Submission of initial grant application.

(a) Each eligible applicant shall submit its initial grant application to the ARDM on or before a date set by the Secretary.

(b) Each eligible applicant shall include with its initial grant application:

(1) (i) A narrative description of the eligible applicant's methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(ii) A narrative description of the eligible applicant's methods for determining, serving, and monitoring service for significant segments of its population and for groups to be provided special consideration.

(2) Copies of all comments received on its application, plus its responses to those comments;

(3) A list of the entities that received a copy of the application for comment, as provided in § 96.13(b) and the date that such copies were transmitted; and

(4) At the earliest possible date, a copy of the newspaper publication made pursuant to § 96.13(c).

§ 96.15 Application approval.

(a) An application for a grant shall be approved if it meets the requirement of the Act, other applicable law, and the regulations promulgated in this Part 96 (Section 206).

(b) An eligible applicant and the Governor shall be notified of action taken on the application. If an application is approved, the ARDM shall provide a grant agreement to the eligible applicant consisting of the Grant Signature Sheet and the Assurances and Certification Form. The Comprehensive Title II Plan is referenced in the grant agreement.

§ 96.16 Application disapproval.

(a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, other applicable law or the regulations promulgated in this Part 96.

(b) No application for a grant shall be disapproved until:

(1) The eligible applicant has been notified that its application fails to meet a requirement of the Act, other applicable law, or of the regulations promulgated in this Part 96; and

(2) The eligible applicant has been provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and

(3) An eligible applicant has been provided with a reasonable opportunity to remedy any defect found in the application, but has failed to do so.

(c) When an application is disapproved, a notice of disapproval shall be transmitted to the eligible applicant and the Governor accompanied by a statement of the grounds for the disapproval.

§ 96.17 Use of alternative eligible applicants.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds so released to be used by one or more alternative eligible applicants to serve the area originally to be served by the primary eligible applicant, or the Secretary may serve such an area directly.

§ 96.18 Modification of grant agreements.

(a) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the term of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement.

(b) When the term or amount funded by the grant is changed, the eligible applicant shall also submit revised portions of its Comprehensive Title II Plan to specifically identify the changes.

(c) When a major modification is required, the comments and publication procedures provided in this Subpart B shall be followed (Section 206).

§ 96.19 Modification of Comprehensive Title II Plan.

(a) An eligible applicant may make a major modification of its Comprehensive Title II Plan by obtaining, as provided in paragraph (b) of this section, the prior approval of the ARDM. A major modification is:

(1) The addition or deletion of a subgrantee which results in a change of at least 15 percent in the utilization of funds under a program; or

(2) A cumulative change of at least 15 percent in (i) the total number of persons to be served, or (ii) the number of persons to be served who are within a group to be provided special consideration, as set out in Subpart C.

(b) An eligible applicant desiring a major modification shall submit a revised project operating plan and a narrative explanation of the proposed changes to the ARDM and shall provide for comment through publication, as set out in § 96.13 (c) and (d). The ARDM shall notify the eligible applicant of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final action on disapproval shall be taken within 30 days of the receipt of the proposed modification.

(c) An eligible applicant may make any change in its project operating plan which is not set out in paragraph (a) of this section without prior approval, but must show all such changes in the first quarterly progress report submitted to the Department after the change has been made.

(d) After consultation with an eligible applicant, modification may be required by the ARDM as necessary to respond to comments received on a grant application after the application has been approved.

Subpart C—Program Operation Requirements

§ 96.20 General.

This Subpart C sets out the program operation requirements for eligible applicants and subgrantees. The utilization of funds under Title II of the Act is conditioned upon adherence to the requirements of this subpart, as well as adherence to the Act, other applicable law, and other terms and conditions of the regulations promulgated in this part.

§ 96.21 Basic responsibilities of eligible applicants.

An eligible applicant is responsible for:

(a) Requesting, receiving, and administering funds within its jurisdiction (Sections 203(a) and 205(c)(1));

(b) Allocating funds and jobs equitably among public agencies within its jurisdiction (Section 205(c)(23));

(c) Developing a plan to effectively implement a program of transitional public employment and related training and manpower services (Section 203(a));

(d) Developing, to the greatest extent possible, new careers and opportunities for career advancement for participants (Section 205(c)(4));

(e) Performing reviews at 6-month intervals on the status of each participant to assure that the participant's job has potential for advancement or suitable continued employment (Section 207(a));

(f) Administering or supervising all activities under its approved plan (Section 205(c)(1)); and

(g) Assuring that the program will, to the extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement within its jurisdiction (Section 205(c)(18)).

(h) Assuring that employing agencies take reasonable measures to provide information about their job openings within the eligible applicant's jurisdiction including the listing of such job openings with the employment service.

§ 96.22 Basic responsibilities of program agents; relationship with eligible applicants.

(a) A program agent, as defined in Subpart F, shall be delegated by the eligible applicant the administrative responsibility for developing, funding, overseeing, and monitoring programs with respect to the funds made available for the program agent's jurisdiction (Section 204(d)(2)).

(b) A program agent shall carry out its functions consistent with the grant application developed by the eligible applicant in cooperation with the program agent and shall be responsible to the eligible applicant for carrying out its program in a manner consistent with the application (Section 204(d)(2)).

(c) Irreconcilable differences between an eligible applicant and a program agent shall be submitted to the ARDM.

§ 96.23 Acceptable public employment positions.

(a) Funds provided under Title II shall only be used to fund public service needs which have not been met and to implement new public services (Section 201).

(b) In developing job opportunities under this Part 96 the following requirements shall apply:

(1) The jobs provided must meet public service needs as defined in the Act and the regulations promulgated in this Part 96 (Section 205(a));

(2) Program emphasis shall be on transitional employment: Jobs which are likely to lead to regular, unsubsidized employment or opportunities for continued training (Sections 201 and 205(b)(4));

(3) Jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes (Section 205(c)(6)).

(4) Jobs shall be allocated equitably to agencies of State and local government and subdivisions thereof, such as educational agencies, within the eligible applicant's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies, and the ratio of jobs in the area at each governmental level (section 205(c)(23));

(5) Jobs will not be "deadend", but will contribute to career advancement and the development of the employment potentials of participants. Opportunities for continued training are to be provided to support the upward mobility of participants (sections 205(a), 205(c)(4); and 208(a)(6)).

(6) No more than one-third of the participants in any program may be employed in a bona fide professional capacity as defined in 29 CFR 541.3 issued pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exception to this limitation is the hiring of classroom teachers. (Generally, according to the E.L.S.A., a professional is an individual (i) with a professional education, usually requiring more education than a Bachelor's degree or whose work is original and creative in an artistic field; (ii) at least 80 percent of whose work requires discretion and judgment and is intellectual in nature, and (iii) who earns at least $140 a week ($125 in Puerto Rico, Virgin Islands, or American Samoa). A less stringent test applies to individuals earning $200 or more a week. Lawyers, doctors, and teachers working as such are professional without regard to their earnings (for further explanation see 29 CFR 541.3)) (section 205(c)(22));

(7) The program shall not include employment in building and highway construction or work which is not customarily done by government and which inures primarily to the benefit of a private profit-making organization, provided that the prohibition on construction does not exclude maintenance work or minor construction work normally performed by government;

(8) Jobs in each job category shall in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under Title II (Section 205(c)(24));

(9) No job will be filled in other than an entry level position in each job category until applicable personnel procedures and collective bargaining agreements have been complied with (Section 205(c)(24)); and

(10) To the extent feasible, the public services provided by the jobs should be designed to serve the residents of the areas of substantial unemployment designated for Title II funds (Section 205(c)(3)).

§ 96.24 Maintenance of effort.

(a) Employment funded under Title II of the Act shall only be in addition to employment which would otherwise be financed by the eligible applicant without assistance under this title (section 204(c)(25)).

(b) To assure maintenance of effort, a public employment program under Title II of the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) Shall not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute public service jobs for federally assisted jobs (section 208(a)(1)).

§ 96.25 Responsibility for selecting participants.

(a) Eligible applicants, program agents and other subgrantees, and employing agencies shall be responsible for the selection of participants. To meet this requirement, employing agencies must provide adequate documentation of each participant's eligibility, and retain in the participant's folder the information on which this documentation of eligibility is based. Employing agencies shall also retain for a reasonable period of time the applications of persons not selected for participation and the reasons for their non-selection (section 205(c)(2)).

(b) Adequate documentation shall consist of a signed, and dated, complete application for employment which attests that the information the application contains is true, to the best of the eligible applicant's knowledge.

§ 96.26 Special limitations on programs and participant selection.

(a)(1) *Political activities.* No program under this part may involve political activities, and neither the program nor the funds provided therefore, nor the personnel employed in the administration of the program, shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code. Prohibited activities under this section include, but are not necessarily limited to, the assignment of any participant by an eligible applicant or subgrantee or employing agency to work for or on behalf of a partisan political activity; to take part in voter registration activities; or to participate in other partisan political activities such as lobbying, collecting funds, making speeches, assisting at meetings, and doorbell ringing, and distributing political pamphlets in an effort to persuade others of any political view.

(2) Participants employed in the administration of the program and participants whose principal employment is in connection with an activity financed by other Federal grants or loans are covered by the Hatch Act. Other participants are not precluded from taking an active part in political management or in a political campaign outside of working hours, provided they do not identify

themselves as spokesman for any Title II funded program. All participants may take part in nonpartisan activities outside of working hours (section 208(g)).

(b) *Sectarian Activities.* No participant in any program under this part may be employed in the construction, operation, or maintenance of such part of any facility as is used or will be used for sectarian instruction or as a place of religious worship (section 208(h)).

(c) *Place of residence.*—(1) *General.* (i) At the time of both application and selection, program participants shall reside in an area of substantial unemployment within the jurisdiction of the eligible applicant or program agent (Section 205(c)(3)).

(ii) When an eligible applicant receives additional funds as a subgrantee of an adjoining eligible applicant, the recipient eligible applicant shall use these additional funds to hire residents of the eligible area or areas within the donor eligible applicant's jurisdiction. A formal subgrant agreement shall be executed in such cases.

(2) *Consortia of eligible applicants.* In a case where two or more eligible applicants form a consortium to operate a Title II program, within the geographical boundaries of the consortium, residents of any designated area of substantial unemployment within the boundaries of the consortium may be employed at any site within such boundaries; provided that the total amount of funds available for residents of each area of substantial unemployment of each participating eligible applicant equals the amount of funds that the area would have received if the consortium had not been formed.

(3) *Consortia of units of general local government formed in order to qualify as program agents; multijurisdictional eligible applicants.* The provisions of paragraph (c) (1) and (2) of this section shall apply to consortia of units of general local government formed in order to qualify as program agents and to multijurisdictional eligible applicants.

(d) *Political patronage.* No program will be funded if the eligible applicant discriminates with respect to political affiliation. Specifically, no eligible applicant, subgrantee or employing agency may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is discrimination based on political belief or affiliation, and is prohibited (Section 208(f)).

(e) *Nepotism.*—(1) *Restriction.* No eligible applicant, subgrantee, or employing agency may hire a person into a Title II funded position if a member of his or her immediate family is employed in an administrative capacity for the same eligible applicant, subgrantee or employing agency. However, where a State or local statute regarding nepotism exists which is more restrictive than this policy, the eligible applicant should follow the State or local statute in lieu of this policy.

(2) *Definitions.* (i) For purposes of this section, the term "member of the immediate family" includes: Wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son - in - law, daughter - in - law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.

(ii) For the purposes of this section, the term "administrative capacity" includes those who have selection, hiring or supervisory responsibilities for Title II participants, or operational responsibility for the program.

(f) *Nondiscrimination generally.* (1) Every grant made pursuant to this part shall contain a certification statement signed by the grantee concerning the provision of equal employment opportunity under the grant.

(2) No discrimination shall be permitted in any program under this part with respect to race, creed, color, national origin, sex, age, political affiliation or beliefs (sections 208(f) and 612(a)).

§ 96.27 Eligibility for participation in a Title II program.

(a) A person residing, as defined in paragraph (d) of this section, in an area of substantial unemployment who has been unemployed for at least 30 days prior to application or who is underemployed is eligible to participate in a program under Title II of the Act (section 205(a)).

(b) A person participating in a public employment program under section 5 or section 6 of the Emergency Employment Act at the time of the grant award under this Act who is currently, or was at the time of his selection for such participation, geographically eligible for participation in a program under Title II of the Act may be transferred into the Title II grant program, provided that maximum efforts have been made to place such an individual in unsubsidized employment or training.

(c) A participant in an employment program under this Part 96 may change jobs within a particular eligible applicant's jurisdiction without an intervening period of unemployment, but may not be employed in a job for any other eligible applicant without an intervening period of unemployment of at least 30 days.

(d) For the purpose of this section, the term residence shall mean an individual's dwelling place or home, both at the time the individual applies and is selected for participation in a program under Title II of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as the maintenance of a dwelling place or home.

(e) Citizenship will not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program under Title II to the extent consistent with applicable State law.

§ 96.28 Special consideration for most severely disadvantaged persons.

Special consideration in filling transitional public service jobs under Title II of the Act shall be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title II (section 205(c)(7)).

§ 96.29 Serving significant segments of the population.

(a) The significant segments of an eligible applicant's population, including youth, shall be served on an equitable basis. For example, individuals from each significant segment could be placed in programs under Title II in a manner consistent with their incidence in the unemployed population of the eligible applicant or other measures of equity could be utilized (sections 205(c)(2) and 208(b)).

(b) Each eligible applicant shall monitor its program to assure that the significant segments of its population are being served in accordance with the requirements of this section.

§ 96.30 Groups to be provided special consideration.

(a) *Veterans.* Special consideration shall be given to veterans who served in the Armed Forces in Indochina or Korea, or the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge. These veterans shall be hired in a proportion at least equal to their incidence in the unemployed and underemployed population. In order to insure special consideration for veterans, all job vacancies under Title II, except those to which former employees are being recalled, must be listed with the State Employment Service at least 48 hours before such vacancies are filled. During this period, the Employment Service will refer special veterans. Upon request, the Employment Service may also refer members of other significant segments. All other applicants are to be referred after the 48-hour period. A list of job openings, with the exception of those to which former employees are being recalled, shall be made available from time to time by the eligible applicant, to veterans organizations for the purpose of making those jobs known to the veterans described in this paragraph (section 205(c)(5)).

(b) *Welfare recipients.* In designing an eligible applicant's plan and placing individuals in employment under this Part 96, special consideration shall be given to welfare recipients.

(c) *Former manpower trainees.* Special consideration shall be given, in developing an eligible applicant's plan and placing individuals in employment under this Part 96, to persons who have participated in manpower training programs and for whom work opportunities are

not otherwise immediately available (section 205(c)(9)).

§ 96.31 Training and supportive services.

Eligible applicants, subgrantees, and employing agencies may use granted funds to purchase necessary training and supportive services from public or private organizations, provided that such contracts are not entered into with private for-profit organizations for the employment of participants.

§ 96.32 Linkages with other manpower programs.

An eligible applicant shall, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (a) providing public employment participants who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (b) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields. Special consideration shall also be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available (Sections 205(c)(9) and 205(c)(19)).

§ 96.33 Placement goals.

To the extent consistent with law and applicable collective bargaining agreements, each eligible applicant and the subgrantees responsible to it shall develop a plan with a goal of:

(a) Placing participants in unsubsidized employment with private sector employers, public agencies, or the eligible applicant, or in training programs that will lead to unsubsidized employment; and

(b) Providing for an average length of participation for individuals in subsidized employment under this Part 96 of no longer than twelve months (Section 205(a) and (b)).

§ 96.34 Compensation for participants.

(a) *Minimum wage for participants.* Each participant shall be paid at a rate no less than the highest of the following:

(1) The minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of the Act applied to the participant and if he were not exempt under section 13 thereof:

(2) The State or local minimum wage for the most nearly comparable covered employment; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the same employer (Section 208(a)).

(b) *Limitations on participant's salary.* Compensation to any participant from Title II Federal funds is limited to a maximum full-time rate of $10,000 per year, plus the cost of fringe benefits to the extent they do not exceed those paid to workers earning $10,000 a year.

§ 96.35 Working conditions for participants.

(a) Title II participants shall enjoy working conditions and promotional opportunities neither more nor less favorable than those enjoyed by other employees similarly employed (Section 208(a)(4)).

(b) When a participant is eligible for a promotion or general salary increase that would mean a salary in excess of $10,000, the participant is entitled to it if other employees similarly employed would be promoted. The employer must pay the amount above $10,000 from his own funds as well as a pro-rated share of the increased fringe benefits.

(c) Every participant must be advised prior to entering upon employment of the name of his employer, and of his rights and benefits in connection with his employment under the Act (Section 208(a)(8)).

(d) No participant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety. In the case of participants employed in jobs inherently dangerous, e.g., fire or police jobs, participants will be assigned to work in accordance with reasonable safety practices. The provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such programs or activity (Section 208(a)(5)).

(e) Participants shall receive the same fringe benefits as other employees of the employing agency similarly employed (e.g., workmen's compensation, health insurance, unemployment insurance, vacations), except for retirement (Sec. 208(a)(4)).

§ 96.36 Retirement benefits for participants.

(a) While the mass payment of retirement benefits is not encouraged, the Act does not prohibit payment into the retirement fund on behalf of Title II participants where such payments are warranted.

(b) Expenditures may be made from Title II funds for payments under the Social Security Act.

(c) Expenditures for retirement fund payments for Title II participants may be made under any of the following conditions:

(1) Payments are for retirement benefits that are part of a consolidated package, including such benefits as health insurance and workmen's compensation, if separation of the benefits is not allowed;

(2) Payments are for participants who are immediately hired as regular employees (that is attain regular employee status, although salary is subsidized by Title II funds);

(3) Payments are for participants whom the employing agency or another employer intends to hire into permanent jobs at some future date: *Provided, That:*

(i) Payments on behalf of such participants are made into and retained in a reserve account, and not paid into the retirement fund until the participant has acquired regular employee status; and

(ii) If regular employment occurs with other than the employing agency, retirement fund payments may be allowed only if the participant is employed within the State, and the retirement benefits are portable; and

(4) Payments are for retirement benefits required by Federal, State, or local law, or for retirement plans set up by State or local law which will not permit the exclusion of Title II participants from coverage.

§ 96.37 Maintenance of a merit system.

Each eligible applicant shall assure that it will maintain personnel policies and practices for its employees in accord with State or local laws and regulations that adequately reflect the merit principles set forth in the Intergovernmental Personnel Act of 1970 (Pub. L. 91–648). Public agencies which are eligible applicants may meet this requirement by certifying compliance with the uniform Federal Standards for a Merit System of Personnel Administration (45 CFR Part 70). Those jurisdictions whose personnel systems have not been certified previously as meeting these standards for other grant programs shall certify that they will take necessary action to establish merit-based personnel policies (Section 208(d)).

§ 96.38 Use of Title II funds for programs under Titles I and III–A.

Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part 96 for programs authorized under Title I and Part A of Title III of the Act (Section 210).

§ 96.39 Use of Title II funds for summer employment.

An eligible applicant planning to use Title II funds for a summer program shall reflect that decision in its Comprehensive Title II Plan or any modification thereof. The eligible applicant shall specify that the Plan provision or modification is being proposed for the purpose of using Title II funds for its summer program, and shall further specify the amount of Title II funds intended for such use.

Subpart D—Special Conditions for Grants to Indian Tribes on Federal and State Reservations

§ 96.40 General.

This Subpart D contains special conditions for grants to Indian tribes on Federal and State reservations. To the extent that any provision of this Subpart D differs from any other provision of this Part 96, the provision of this Subpart D shall govern. In all other matters the requirements of Part 96, apply to this Subpart D.

§ 96.41 Distribution of funds.

(a) Funds for programs under Title II of the Act for Indian tribes on Federal

and State reservations shall be determined as follows:

(1) Funds for use under this Subpart D shall be determined on the basis of a ratio taking the total number of unemployed Indians on all Federal and State Indian reservations which have areas of substantial unemployment and comparing this number with the total number of unemployed persons in all eligible applicant jurisdictions under this Part 96.

(2) Funds determined under paragraph (a)(1) of this section shall be allotted for use in the individual Indian reservations which have areas of substantial unemployment on the best available estimates of the population or unemployment on each such reservation as compared to the total population or total unemployment on all such reservations.

(b) No funds shall be granted for any individual reservation which does not have a population of at least 1,000 Indians. Such reservations may, however, be combined to qualify for funds as provided in § 96.42 of this part (Section 204(c)).

(c) An eligible applicant which represents more than one reservation shall further allocate funds for use among reservations in accordance, to the extent feasible, with the amounts indicated by the Secretary for each reservation.

(d) Within a single reservation, or a consortium of small reservations, the eligible applicant shall allocate granted funds, taking into consideration, to the extent feasible, differences in unemployment among identifiable areas within the reservation (Section 204(c)).

§ 96.42 Eligibility for funds.

(a) An independently eligible applicant, shall be an Indian tribe on a Federal or State reservation which includes areas of substantial unemployment. Such tribe must represent at least 1,000 persons and have a governing body possessing the substantive powers which will enable it to carry out a program under this Part 96. A governing body having substantive powers is a body consisting of duly elected representatives who have the authority to provide services and to enter into contracts, agreements, and grants on behalf of the individuals who elected them, and who are recognized as having such authority by the appropriate Federal or State agencies (Section 204(c)).

(b) If an Indian tribe does not have a governing body capable of performing the functions set out in paragraph (a) of this section, or if an Indian tribe declines to administer a program under this part, the eligible applicant for the identified area may be:

(1) The governing body of another reservation on which the tribe is located;

(2) The governing body of another reservation where several Indian tribes have combined into a consortium; or

(3) An intertribal council or organization, business council, statewide or regional organization; or another eligible applicant under this Part 96 within the same geographic area: *Provided*, That:

(i) The Indian tribe agrees to such eligible applicant;

(ii) The prospective eligible applicant operates the program in a manner consistent with the requirements of this Subpart D; and

(iii) Such body or organization is capable of performing the functions described in paragraph (a) of this section.

(c) Where a determination is made by the Secretary that a designated Indian eligible applicant does not have the capability to administer a program, the Secretary may reassign that responsibility to another eligible applicant acceptable to the tribe, provided that such applicant is capable of performing the function described in paragraph (a) of this section.

§ 96.43 Assistance by the Secretary.

If an Indian tribe which is an eligible applicant under this Subpart D is unable to submit an application to carry out a program under this Part 96, the Secretary shall assist such eligible applicant in preparing, submitting, and implementing a program (Section 207(c)).

§ 96.44 Nepotism.

(a) No eligible applicant or subgrantee under this Subpart D shall hire, or permit the hiring of, any person in a position funded under Title II of the Act if a member of the person's immediate family is employed in an administrative capacity by the eligible applicant. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister; the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Part 96, or operational responsibility for the program.

(b) If a subgrantee under this Subpart D has a population of less than 1,000 persons and cannot hire program participants without an immediate family member being included, the ARDM may waive the requirement of paragraph (a) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(c) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

§ 96.45 Non-Discrimination.

Section 96.26(f) shall be applicable to Indian programs funded pursuant to Title II of the Act, except to the extent that such provisions conflict with 42 U.S.C. 2000e(b).

§ 96.46 Subgrants.

In addition to the requirements concerning subgrants. Indian tribes may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e–2(i).

§ 96.47 Comment and publication procedures relating to submission of Indian grant applications.

(a) Each eligible Indian applicant who plans to apply for a grant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity to comment on its application to the following officials in accordance with section 206 of the Act:

(1) The Governor;

(2) Appropriate officials of units of general local government; and

(3) Officials of labor organizations representing employees who are engaged in similar work in the same area.

(b) Comments by those individuals and officials listed in paragraph (a) of this section shall be made available to the eligible applicant and the ARDM within thirty days of the receipt of notice of the opportunity to comment.

(c) Eligible Indian applicants shall respond to any comments made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt, if any, due to the comment. All such comments and responses shall be transmitted to the ARDM.

Subpart E—Grant Administration

§ 96.50 General.

(a) This Subpart E describes Federal requirements relating to the administration of grants by eligible applicants in the following areas:

(1) Payment methods;

(2) Recordkeeping;

(3) Reporting requirements; and

(4) Authorized expenditures.

(b) The Secretary will provide each eligible applicant the specific procedures to be followed to comply with the requirements of this Subpart E (Sections 603(14) and 613).

§ 96.51 Payments.

Advance payments will be made by either a letter of credit or by U.S. Treasury check. In either case, the eligible applicant must demonstrate the willingness and ability to establish procedures which will minimize the time elapsing between the transfer of funds to the eligible applicant and the disbursement of funds by the eligible applicant.

§ 96.52 Letter of credit.

Grants will be financed by means of a letter of credit when the following conditions are met:

(1) The grant is for $250,000 or more;

(2) The period of continuing relationship between the eligible applicant and the Department is a year or more;

(3) The eligible applicant can assure that the timing and amount of drawdowns will be as close as possible to daily disbursement needs;

(4) The eligible applicant's accounting system will meet the recordkeeping and reporting requirements of this Subpart E.

§ 96.53 Payment by Treasury check.

(a) A grantee which does not meet the requirements for the letter of credit will be paid by advance by Treasury check. The ARDM will determine whether such payment will be made on an advance or reimbursement basis. In making such a determination the ARDM will consider the adequacy of the eligible applicant's accounting and record-keeping system with regard to items 3b and 3c of Attachment J to OMB Circular A–102.

(b) Advance by Treasury check will provide for advanced payments through use of predetermined payment schedules or upon the request of the grantee. When the request method is used, payments will be made to a grantee based upon a request to the regional office.

§ 96.54 Financial management systems.

(a) Each eligible applicant and subgrantee shall maintain a financial management system which will provide accurate, current, and complete disclosure of the financial results of each grant activity, provide the ability to evaluate the effectiveness of program activities and meet the reporting requirements of this Subpart E.

(b) Each eligible applicant and subgrantee shall maintain fiscal accounts in a manner sufficient to permit the reports required by the Secretary to be prepared therefrom (Sections 313, 603(14) and 613).

§ 96.55 Audits and evaluation.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local government and their subgrantees and contractors which are pertinent to a specific grant program under Title II of the Act for the purpose of making surveys, audits, examinations, excerpts and transcripts (Section 613(2)).

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of eligible applicants and their subgrantees and contractors.

(c) The Secretary shall, with reasonable frequency, survey, audit or examine, or arrange for the survey, audit or examination of eligible applicants and their subgrantees and contractors using city or state auditors; or certified or licensed public accountants. Such surveys, audits, or examinations shall normally be conducted annually but not less than once every two years.

(d) Surveys, audits and examinations will conform to the standards for Audit of Governmental Organizations, Programs, Activities, and Functions, issued by the Comptroller General of the United States and guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary will conform, at a minimum to the first element of the Comptroller General's Standards: An audit to determine (1) whether financial operations are properly conducted, (2) whether the financial reports are fairly presented, and (3) whether the entity has complied with applicable laws, regulations and administrative requirements. Existing audit systems, where acceptable under the Comptroller General's Standards, such as state audits of city and county activities will be used to the maximum possible extent (Section 613(1)).

§ 96.56 Reporting requirements in general.

(a) The Secretary of Labor is responsible for assuring that funds are used effectively. This determination is to be made by periodic reports submitted by eligible applicants to the Department. In some cases reports must also be submitted by each eligible applicant to the Governor and other units of local government.

(b) Each eligible applicant will be required to submit three periodic reports which will be used by the Secretary to assess the performance of the eligible applicant in carrying out the objectives of the Act. These three reports are: (1) The Quarterly Progress Report, (2) The Summary of Client Characteristics Report, and (3) The Report of Federal Cash Transactions (section 313(b) and 613).

§ 96.57 Quarterly Progress Report.

(a) The Quarterly Progress Report will be used to measure accomplishments in achieving objectives stated in the Comprehensive Title II Plan. It also constitutes the eligible applicant's statement of costs incurred and contains his certification of the correctness of the costs reported.

(b) An eligible applicant shall include the following items in the report together with a comparison of the same items as they appear in the Comprehensive Title II Plan for the period of the report:

(1) The total number of individuals served with granted funds during the grant period;

(2) The total number of participants placed in self-sustaining employment at termination from the project and the number entering school, other training or military service;

(3) The level of enrollment;

(4) The distribution of total accrued expenditures among the following cost categories: Administration, wages, fringe benefits, training, and services to participants; and

(5) The distribution of services among significant segments of the population.

(c) If performance goals are not being achieved, the ARDM may request from eligible applicants additional information including reasons for the failure to achieve the goals.

(d) The Quarterly Progress Report will be submitted quarterly to coincide with the ending dates of Federal fiscal year quarters. If an eligible applicant's grant period ends at a date other than the end of a Federal fiscal year quarter, a fifth report, covering the entire grant period will be required.

(e) Specific procedures for meeting these reporting requirements will be furnished to eligible applicants.

§ 96.58 Summary of Client Characteristics Report.

(a) The Summary of Client Characteristics Report contains aggregate characteristics data on all participants in the program. The Summary is to be submitted to the ARDM with the Quarterly Progress Report.

(b) The Summary will include characteristics data aggregated for all participants, as set forth therein, and will include all participants terminated or placed during the reporting period.

(c) The Summary will also aggregate wages before application for the program and after placement and show the median wage for these two categories.

(d) Specific reporting procedures and appropriate definitions will be furnished to eligible applicants.

§ 96.59 Report of federal cash transactions.

(a) Each eligible applicant shall submit periodically a report of federal cash transactions. The report will be used to monitor cash advances and to obtain disbursement information. This report will be submitted monthly by eligible applicants receiving annual grants totalling $1 million or more, and quarterly by other eligible applicants (Section 613(1)).

(b) Specific reporting procedures will be furnished to eligible applicants.

§ 96.60 Limitation on funds.

(a) Not less than 90 percent (90%) of the funds appropriated pursuant to Title II of the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (Section 203(b)).

(b) The remaining 10 percent (10%) may be used for administration, training, or supportive services to participants in public service employment.

(c) An eligible applicant which does not itself administer the entire program may not retain the entire 10 percent (10%) mentioned in paragraph (b) of this section for its own use unless this is agreed to by its subgrantees. At least 5 percent (5%) of a subgrantee's grant must be available to it for costs other than wages and fringe benefits.

§ 96.61 Allowable Federal costs for program administration.

(a) *General.* In addition to costs for the purposes detailed in § 96.62, Federal funds granted under Title II may be expended only for costs necessary and reasonable for proper and efficient administration of the grant program in accordance with the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments."

(b) *Restriction.* Federal funds used under Title II of the Act for program administration may not be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials or real property, whether these expenses are budgeted as direct cost, indirect cost, or overhead (section 208(a)(7)).

(c) *Examples.* Examples of costs allowable under administration are: Salaries and fringe benefits of staff personnel engaged in recruiting and training employees; accounting for and reporting on fiscal aspects of the grants; payroll activities; accumulating and compiling statistical and other management data; housekeeping functions; travel and transportation; and similar direct and indirect costs.

§ 96.62 Use of Federal excess property.

(a) Funds available under Title II of the Act may not be used for the acquisition, rental or leasing of supplies, equipment, materials, or real property, but General Services Administration (GSA) excess property may be made available for the use of eligible applicants to the extent that such property is needed to support the employment of a person participating in a program under this Part 96.

(b) Excess property will be made available only to eligible applicants. Incidental costs such as packing, handling, maintenance, and transportation will be the responsibility of the eligible applicants. In addition, all costs incidental to the return of the property at the termination of the grant will be assumed by the eligible applicants. An eligible applicant may obtain excess property for the use of its subgrantees or employing agencies but it will be held accountable for such property as though it itself were using the property.

(c) If an eligible applicant desires to obtain GSA excess property, it will make such request to the ARDM.

§ 96.63 Use of participants in administration of programs.

In order to help reduce administrative costs, administrative positions under this Part 96 shall, to the extent feasible, be filled by participants (section 205(c)(20)).

§ 96.64 Procurement standards.

The standards to be used by eligible applicants and program agents in establishing procedures for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment O of OMB Circular A–102. These standards are furnished to assure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal laws and Executive orders.

§ 96.65 Authority to enter into contracts and agreements.

Eligible applicants and program agents are authorized to enter into contracts, subgrants, and agreements for the purposes of carrying out their responsibilities under the Act. Any such contract, subgrant, or agreements which proposes to expend Federal funds for a public service employment program may be entered into only with other public agencies or with private nonprofit agencies, except for the provision of administrative services. Any contractual arrangement or agreement for the procurement of administrative services (e.g., auditing, payroll, staff training) may be entered into with private profit-making organizations, but must be limited only to such type of service and shall not include direct Title II program services such as the employment of participants. The authority provided to eligible applicants and program agents under this section shall be carried out pursuant to the terms of the grant agreement executed by the eligible applicant with the Department, and in accordance with the procurement practices set forth in Attachment O of Office of Management and Budget Circular A–102.

Subpart F—General Provisions

§ 96.100 Definitions.

(a) The term "Act" shall mean The Comprehensive Employment Training Act of 1973 (P.L. 92–203, 87 Stat. 839).

(b) The term, "ARDM," shall mean the Department's Assistant Regional Director for Manpower who has responsibility for the area in which an eligible applicant is located.

(c) The term, "area of substantial unemployment," shall mean any area, other than in relation to an Indian tribe, which (1) has a population of at least 10,000 persons, (2) qualifies for a minimum allocation of $25,000 under Title II of the Act, and (3) has a rate of unemployment of at least 6.5 percent for a period of 3 consecutive months, as determined by the Secretary at least once each fiscal year. In relation to an Indian tribe, the term "area of substantial unemployment" shall mean an Indian reservation, as a whole, with a rate of unemployment of at least 6.5 percent for a period of 3 consecutive months, as determined by the Secretary at least once each fiscal year (Section 204(c)).

(d) The term, "balance of State," shall mean the area within the jurisdiction of a State, as an eligible applicant, that is not within the jurisdiction of another eligible applicant within the State (Sections 102(b)(1) and 106(b)(1)).

(e) The term, "compensation," shall mean the wages or salary payable to a participant in a Title II program, but does not include fringe benefits or supportive services (Section 205(c)(13)).

(f) The term, "Department," shall mean the United States Department of Labor, and includes each of its operating agencies and other organizational units.

(g) The term, "eligible applicant," shall mean a prime sponsor or an Indian tribe on a Federal or State reservation that includes areas of substantial unemployment (Section 204(a)).

(h) The term, "employing agency," shall mean any employer designated by an eligible applicant, program agent, or other subgrantee, or by the Secretary, to employ participants with funds granted pursuant to Title II of the Act. The term shall include an eligible applicant, program agent or other subgrantee when acting as an employer (Section 205(c)(1)).

(i) The term, "Federal reservation," shall mean lands which have been set aside for Indians and for which the United States is trustee, as identified by the Bureau of Indian Affairs, including non-trust land under the tribal jurisdiction.

(j) The term, "Governor," shall mean the chief executive of a State (Section 601(a)(2)).

(k) The term, "Indian tribe," shall mean a group of American Indians or Alaskan natives identified on the basis of historical, geographical or cultural characteristics, or subpart of such a group (Section 302(b) and (c)(1)).

(l) The term, "low-income level," shall mean an annual income of $7,000 with respect to income in 1969; for any later year it shall mean that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000 (Section 601(a)(4)).

(m) The term, "nonsubsidized employment or training," shall mean employment or training not financed from funds provided under the Act (Section 203(a)).

(n) The term, "offender," means any adult or juvenile who is confined in any type of correctional institution and also includes any individual or juvenile assigned to a community-based facility or subject to pretrial, probationary, or parole or other stages of the judicial correctional or probationary process where manpower training and services may be beneficial, as determined by the Secretary, after consultation with judicial, correctional, probationary, or other appropriate authorities (Section 601(a)(6)).

(o) The term, "OMB," shall mean the Office of Management and Budget.

(p) The term, "participant," shall mean any person who is enrolled in a program under Title II of the Act (section 205(c)(2)).

(q) The term, "prime sponsor," shall mean:

(1) A State;

(2) A unit of general local government which has a population of 100,000 or more persons, disregarding other units within its boundaries which have been designated as prime sponsors;

(3) Any combination of units of general local government which includes a unit of government qualifying under paragraph (q)(2) of this section;

(4) Any unit of general local government or any combination of such units, without regard to population, which in exceptional circumstances, is designated a prime sponsor by the Secretary:

(i) (A) to serve a substantial portion of a functioning labor market area, or (B) to be a rural area having a high level of unemployment; and

(ii) to have demonstrated (A) that it has the capability for adequately carrying out programs under this Act; and (B) that there is a special need for services within the area to be served, and (C) that it will carry out such programs and services in such area as effectively as the State; or

(iii) a limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose (Section 102(a)).

(r) The term, "professional work," shall mean work performed by an individual acting in a bona fide professional capacity, as such term is used in section 13(a)(1) of the Fair Labor Standards Act (Section 205(c)(22)).

(s) The term, "program agent," shall mean a subgrantee which is a unit of or a combination of units of general local government having a population of 50,000 persons or more and an area of substantial unemployment within the jurisdiction (Section 204(d)).

(t) The term, "public service," shall mean service normally provided by government, and includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, manpower services, prison rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, veterans outreach, and other fields of human betterment and community improvement. It excludes building and highway construction work (other than maintenance) and work which is not customarily done by government and which inures primarily to the benefit of a private profit-making organization (Section 601(a)(7)).

(u) The term, "rate of unemployment," shall mean the number of unemployed persons, as a percent of the total number of persons in the civilian labor force (Section 204(c)).

(v) The term, "Secretary," shall mean the Secretary of Labor or any person designated to perform any function provided for under this Part 96 (Section 601(a)(8)).

(w) The term, "significant segments," shall mean those groups identified in an eligible applicant's program plan as being most in need of the services to be provided by the Act (Sections 205(c)(2), 105(a)(1) and 105(a)(3)(A)).

(x) The term, "special veteran," shall mean an individual who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge (section 205(c)(5)).

(y) The term, "State," includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands (section 601(a)(9)).

(z) The term, "State reservation," shall mean an Indian reservation recognized by the State in which it is located (section 204(a)(2)).

(aa) The term, "subgrantee," shall mean any entity which receives a grant from an eligible applicant under this Part 96 (section 205(c)(1)).

(bb) The term, "sufficient size and scope," shall mean an area, other than an Indian reservation, which has a population of 10,000 or more persons and qualifies for a minimum allocation under this Part 96 of $25,000 (section 204(c)).

(cc) The term, "supportive or manpower services," shall mean services which are designed to contribute to the employability of participants, enhance their employment opportunities, and facilitate their movement into permanent employment not subsidized under the Act. They may include child care (sections 203(a) and 101(8)).

(dd) The term, "underemployed persons," shall mean:

(1) Persons who are working part-time for other than the employing agency but seeking full-time work. Persons who are working part-time for the employing agency may also be considered underemployed and as such, be hired under Title II only if their selection does not violate the maintenance of effort requirement of this Part 96; and

(2) Persons who are working full-time for an employer other than the employing agency from whom they are seeking employment, whose wages when added to the other income of adults 16 and over in his immediate family living in the same household are below the poverty level. There is no minimum duration for which an individual's income must be below the poverty level in order for the individual to qualify as underemployed. The criterion is the most recent hourly rate or wage payment (Section 601(a)(11)).

(ee) The term, "unemployed person," shall mean for purposes of participation in a Title II program:

(1) A person who is without a job (as defined in this paragraph) and who wants and is available for work; and

(2) Except for purposes of an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV, (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled) or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home and:

(i) Is available for work; and

(ii) Who is either:

(A) Without a job (as defined in this paragraph); or

(B) Working in a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

(3) A person is "without a job" if, during the 30 days preceding his application, he has worked no more than 10 hours and has earned no more than $30.00 in any 7-day period (Section 601(a)(12)).

(ff) The term "unit of general local government," shall mean any city, municipality, county, town, township, parish, village or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers (Section 601(a)(10)).

§ 96.101 Adjustments in payments.

(a) If any funds are expended by an eligible applicant, subgrantee, or employing agency in violation of the Act, the regulations or grant conditions, the Secretary may make necessary adjustments in payments on account of such expenditures.

(b) The Secretary may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures. If no further payments would otherwise be made under the Act during the current or subsequent fiscal year, the Secretary may request a repayment of funds used for unauthorized or illegal expenditures, and within 30 days after receipt of such request such repayment shall be made.

(c) No action taken by the Secretary under this section entitles the grantee to reduce either salaries and wages or supportive services for any participant or to expend less during the effective period of the grant than those sums called for in its grant budget either for salaries and wages or for supportive services for participants. Any such reduction in expenditures may be considered sufficient cause for termination of the grant (sections 108(b)(2), 110(b) and 602(b)).

§ 96.102 Termination of grant.

(a) If an eligible applicant violates or permits a subgrantee or an employing agency to violate the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation; or

(b) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of notice of termination, the grantee shall (1) discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the

grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, with the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal (Sections 108(b)(2), 110(b) and 602(b)).

Signed at Washington, D.C. this 11th day of February, 1974.

PETER J. BRENNAN,
Secretary of Labor.

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PART III

FEDERAL COMMUNICATIONS COMMISSION

■

COMMISSION ORGANIZATION AND FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

Equipment Authorization of RF Devices

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19356; FCC 74-113]

PART 0—COMMISSION ORGANIZATION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Report and Order on Equipment Authorization of RF Devices

In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices.

1. A notice of proposed rule making in the above-captioned matter was released on December 3, 1971 and was published in the FEDERAL REGISTER on December 8, 1971 (36 FR 23313). The comment and reply comment period was extended by subsequent order released December 29, 1971 from December 30, 1971 and January 17, 1972 to February 15, 1972 and March 1, 1972, respectively. A list of persons commenting is attached as Appendix A.

2. On July 5, 1968, section 302 was added to the Communications Act of 1934 as amended (47 USC 302).[1] This legislation authorized the Commission to make reasonable regulations governing the interference potential of equipment capable of causing harmful interference to radiocommunications and to apply these regulations, to the manufacture, import, sale, offer for sale, shipment, or use of the subject equipment. The first step in the implementation of this authority was the adoption of what are referred to as our marketing regulations.[2] these regulations to the manufacture, seq. of our rules (47 CFR 2.801 et seq.), make it illegal to market equipment capable of causing harmful interference unless any required equipment authorization (type approval, type acceptance or certification) has first been obtained, or where no equipment authorization is required, the equipment complies with the applicable technical specifications prescribed by the Commission.

3. The Commission's new marketing strictures have had a significant impact on manufacturers of RF devices covered by our rules since marketing operations involving such equipment cannot be initiated prior to the receipt of the requisite equipment authorization from the Commission. Additionally, the Commission's marketing rules have brought a number of equipment firms within the Commission's equipment authorization program who were not previously involved. This is attributable to the fact that, whereas equipment authorization was on a voluntary basis with respect to manufacturers producing equipment prior to the effective date of the marketing rules, it is now mandatory. Moreover, in an effort to reduce to tolerable levels the conditions of "spectrum pollution" or "electromagnetic smog", the Commission will be taking an increased role in the regulation of RF devices with an interference potential for which the Commission does not presently prescribe technical standards.

4. The Commission fully recognized that the mandatory nature of its equipment authorization program might necessitate reexamination of its procedural rules. Thus, in adopting its marketing regulations, the Commission stated:

> No changes have been made in existing type acceptance, type approval and certification procedures.
>
> However, as indicated above, we are presently reviewing our regulations to determine what changes are necessary and appropriate in light of this new authority and the rules herein adopted. A further rulemaking proceeding will be instituted to amplify the rules for equipment approval. 23 FCC 2d at 88.

5. As a result of the Commission's review, it was determined that the procedures for granting and administering our equipment authorization program should be made more comprehensive and informative and should be consolidated in one place in our rules. The instant proceeding was instituted to do this. Accordingly in this Order, we have collected and synthesized into one unified subpart most matters pertaining strictly to the procedural aspects of our equipment authorization program. We have added thereto such new regulations that we deemed to be necessary to clarify and make more specific the requirements of this program. These rules are herewith promulgated as Subpart J of Part 2 of our rules and are set out in Appendix C to this Order. It should be noted that the rules adopted herein do not alter any existing substantive requirement or technical specification relating to equipment operation or performance characteristics.

6. We believe that this revision will be helpful in outlining the procedural steps to be followed in acquiring an equipment authorization and that they will make clear to the applicant the conditions attendant to a grant of an authorization and the responsibilities and rights of the grantee. Although most of the requirements are contained in this new Subpart J, it does not mean that all the requirements for a specific equipment will be found therein. Frequently the procedural rules compel the submission of technical data specified in the substantive regulations which may also specify the measurement procedures to be used.

EXISTING PROCEDURAL RULES SUPERSEDED

7. The rules adopted herein as Subpart J supersede the rules in Subpart F of Part 2 and those procedural regulations elsewhere in the Commission's regulations which are in conflict with those in Subpart J. In particular, the procedural regulations in Part 15 dealing with applications for certification (type approval in some cases) of door opener controls, receivers, auditory training devices and field disturbance sensors are superseded. Similarly the procedural rules in Part 18 dealing with applications for type approval of medical diathermy, ultrasonic and miscellaneous equipment and for prototype certification of industrial heating equipment are superseded. The Commission will amend these parts as soon as possible to incorporate these changes. In addition procedural provisions in other rule parts will be deleted.

COMMENTS RECEIVED IN THIS PROCEEDING

8. A list of parties commenting in this proceeding is attached as Appendix A. Gamewell Radio Systems (a Gulf and Western Systems Company) supported the Commission's proposal without reservation. GTE Lenkurt submitted a statement concurring in the GTE Sylvania comments. NAM submitted a statement supporting the AFTRCC[3] comment. AT&T submitted a comment on behalf of itself, Bell Telephone Laboratories and Western Electric Co. The comments received generally supported the Commission's intent to collect in one place all its requirements with respect to equipment authorization. Notwithstanding the general concurrence in this basic purpose, a number of major objections were raised. In addition numerous comments were received dealing with the text of the regulations that had been proposed. The major objections dealt with the question of bilateral certification particularly with respect to industrial, scientific and medical (ISM) equipment, with the time frame within which a grant will be made and with the question of disclosure of the data filed with an application for an equipment authorization. These objections are discussed in detail in the paragraphs below. The comments relative to the text of individual proposed regulations are considered in connection with the discussion of the individual regulations.

BILATERAL CERTIFICATION

9. The Commission has in the past provided for a "self-certification" procedure for most equipment operated without individual license under Parts 15 and 18 of our rules. Such "self-certification" merely required the user to perform certain engineering tests on the device and attach a label to his device "certifying" that the device had been tested and found to comply. In many cases, notably with respect to receivers and low power communication devices under Part 15, the manufacturer performed these tests voluntarily as a service to his customer and labeled the equipment. This system of "self-certification" has not proved entirely satisfactory in practice. Accordingly, we will now require that where the rules call for the equipment to be certificated, the equipment must receive such certification from the Commission prior to marketing. A grant of certification will be based on a review of test data and other relevant information specified in the rules adopted herein and required in the substantive Part of the rules under

[1] Pub. L. 90-379, approved July 5, 1968, 82 Stat. 290.

[2] Docket No. 18426, Report and Order adopted May 13, 1970; 35 FR 7894; 23 FCC 2nd 79.

[3] See Appendix A for the acronyms used in this Report.

which the equipment operates. With respect to receivers, such a program of bilateral certification has already been implemented by voluntary cooperation of the manufacturers involved. Accordingly the rules adopted herein formalize a de facto procedure which was recognized as such by some of the parties who commented.[4]

10. Other comments objected to bilateral certification on the grounds that increased costs would be incurred. In order for a manufacturer to determine that such a device meets the Commission's technical specifications and can be self-certificated, a series of measurements must be made. The same measurements will, in general, be required under our program of bilateral certification. Accordingly, the only increase in cost to the manufacturer, is the administrative cost of filing the application for certification and deferring marketing until the Commission's grant of certification is received. On the other hand bilateral certification is imposed to carry out the intent of the authorizing legislation (47 U.S.C. 302) to provide reasonable assurance that equipment placed in the hands of the public is not likely to become a source of harmful interference. Under these conditions, the Commission cannot accept the objection to bilateral certification because of alleged increased costs.

11. Although AT&T basically concurs in these rules, it objects to the requirement for bilateral certification of RF devices used in research programs on the grounds that such a requirement will reduce the flexibility available to the user in how the equipment is used and that it will delay changes required to be made in equipment used in in-plant research programs. AT&T urges that provision be made for expedited action when such a need can be demonstrated. The problem of relocating equipment within a plant, or even moving it from one plant to another is a user problem in connection with the filing of Form 724 to advise the Commission of the location of industrial heating equipment and is outside the scope of this proceeding. This problem will be considered when Part 18 is conformed with the rules adopted herein as discussed in paragraph 7 above. In so far as expediting action on requests for certificated equipment, the Commission has always been responsive when a satisfactory showing of need has been presented and will continue to do so in the future.

12. A further objection to our proposal to impose a bilateral certification procedure on industrial, scientific and medical (ISM) equipment operated under the provisions of Part 18 of our Rules, was raised by persons concerned with the manufacture and use of such equipment. In general these comments contended that the equipment authorization procedures presently in use under Part 18 are adequate to provide the protection against harmful interference sought by section 302 of the Communications Act. It was argued therefore that bilateral certification was not necessary and should not be imposed on equipment operating under Part 18. It would appear that many of those commenting on this subject have misconstrued the intent of this proceeding.

13. The regulations in Part 18 currently in effect apply strictly to the user or operator of the equipment. Provision is made in the present Part 18 rules for the manufacturer to acquire an equipment authorization on a voluntary basis as a service to his customers. Thus type approval is granted on request to manufacturers for medical diathermy equipment operating on the assigned ISM frequencies. A similar type approval procedure is made available on a voluntary basis to manufacturers of ultrasonic equipment subject to Part 18 of our rules. Prototype certification may be voluntarily requested by the manufacturer of industrial heating equipment.

(14) The advantage to the manufacturer should be obvious. ISM equipment bearing the type approval number issued by the Commission, or the manufacturer's label certifying that it had been prototype certificated, may be freely operated by the purchaser with confidence that the equipment can reasonably be expected to comply with the technical specifications in Part 18. If prototype certification has been granted by the Commission, the purchaser files an abbreviated registration on Form 724 with the Commission, certifying basically that the equipment was installed pursuant to the manufacturer's installation instructions. Without such type approval or prototype certification, the purchaser must arrange for measurements to be made to demonstrate that the equipment he has purchased complies with the technical specifications in Part 18. The cost of such measurements to the user is considerable and may, in some cases, be as high as the original cost of the equipment. On the other hand, when the cost of testing is borne by the manufacturer and is distributed over a quantity of similar equipment, the cost per equipment (which is passed on to the purchaser) is considerably less.

15. Our intention regarding ISM equipment in this proceeding was to impose, pursuant to section 302 of the Communications Act (47 U.S.C. 302) an obligation on the manufacturer to provide equipment that can be expected to comply with our technical specifications. For those manufacturers currently applying for and procuring type approval or prototype certification this obligation consists merely in converting the present voluntary procedure into a mandatory requirement. For the other manufacturers of ISM equipment—those who do not produce equipment in quantity or those who produce large equipments that do not lend themselves to measurement on a test site—changes are anticipated.

16. Most of the objections raised against our proposal for bilateral certification for industrial heating equipment deal with the problem posed by the latter group of equipments. The Commission recognized this dilemma when our marketing rules were adopted and as an interim measure exempted many of the ISM equipments from the requirement for procuring an equipment authorization as a prerequisite for legal shipment and sale. In response to these objections, and notwithstanding our professed objective of ensuring that equipment complies with our requirements prior to shipment and sale, we are revising the rules for certification of ISM equipment originally proposed in this proceeding. Those industrial heating equipments which will be produced in quantity and which lend themselves to testing on a test site will become subject to mandatory bilateral certification. Those larger industrial heating equipments which are not produced in quantity, or which are custom built, and which are not susceptible to measurement on a test site, will continue to be tested on-site under the procedures set out at present in Part 18. As stated in our Notice in this proceeding further rule making will be instituted to amend Part 18 to clarify these requirements and to put these new procedures into effect for ISM equipment.

Disclosure of Information Relating to an Equipment Authorization

17. In the Notice, we also proposed the amendment of our Freedom of Information Rules as they concern the disclosure of information submitted by an applicant for equipment authorization or otherwise ascertained by the Commission in connection with such application. In adopting our current Rules (§ 0.457(d)) some six years ago, we continued the previously existing confidential status of such data and provided that the technical data submitted with such applications and Commission laboratory tests on the equipment are not available for inspection except as such data is set out in the radio equipment list issued periodically by the Commission. Disclosure of such information required a persuasive showing as to the reasons for inspection of such data set forth in accordance with the provisions of § 0.461 of the rules.

18. The revision of § 0.457 adopted herein would eliminate the confidential status automatically accorded such data and would make them generally available for public inspection after the effective date of the equipment authorization issued by the Commission. Following such date, such applications and related materials, including technical specifications, test measurements, etc., would be available for inspection upon request. However, since our equipment authorization files are not maintained in a public reference room, we are not making them "routinely available for inspection" as originally proposed but rather we have provided that they shall be available

[4] GTE-Sylvania noted that this requirement appears to be no more than a recognition of existing practice with respect to manufacturers. AT&T notes that the revision codifies many existing practices not covered in the present rules and will contribute to sound and workable equipment authorization procedures.

upon request made under § 0.461 of the rules but without the necessity for a persuasive showing as to the reasons for inspection of such data.

19. The revised rules are consistent with the requirements of the Freedom of Information Act, 5 U.S.C. 552 and judicial interpretation thereof [5] and information in the possession of the Commission shall be available for inspection and disclosure except to the extent that it would disclose trade secrets or other proprietary information. An applicant for equipment authorization may still submit a request for nondisclosure of information or data claimed to be a trade secret or proprietary information, pursuant to § 0.459 of the rules, with a statement of the basis for such claim. In such case, the applicant must substantiate the fact that his material merits confidential treatment,[6] and should the Commission approve such claim, the subject information will be maintained on a confidential basis subject to the provisions of § 0.461.

20. Under the revised rules, the applicant for an equipment authorization for a new device is assured that its existence and design will not be disclosed from Commission records prior to the effective date of the equipment authorization granted by the Commission. Premarketing information in the competitive communications equipment field clearly falls within the trade secrets category and Commission recognition of this through a general provision guarding against disclosure at this stage is fully justified under traditional trade secrets standards. The effective date of the Commission authorization will be, upon request, deferred to a reasonable date specified by the applicant, and thus a manufacturer, by specifying an effective date for the authorization which coincides with commencement of his marketing activities can preserve his competitive position. This will also accord with the provision of § 2.801 of our rules, which prohibits the marketing of such equipment without Commission equipment authorization.

21. The proposed amendment recognizes that trade secrets and commercial or financial information obtained from any person and privileged or confidential would not normally be made available to the public. The amendment does recognize, however, that in the area of equipment applications it is in the public interest to make available, upon request, information which has lost its confidential character by virtue of the marketing of the equipment to which it refers. Putting an article on the market constitutes a general disclosure to the public which reveals the secret, invention or discovery and divests the article of its confidential character.[7]

22. Some of the comments received in this proceeding suggest that the materials submitted by an applicant for equipment authorization be deemed trade secrets or proprietary simply upon the applicant's designation thereof with limited or no review by the Commission. Such an approach would not be in accord with the existing law nor with the provisions of § 0.459(b), which requires the applicant to fully support his claim for confidential treatment. This requirement is not an undue burden upon the applicant, for he is in the best position to know the facts and circumstances which support his request for confidentiality. Accordingly, the Commission must insist that requests for confidentiality be individually justified pursuant to § 0.459.

23. Other comments suggest that confidential treatment be automatically accorded applications for equipment authorization and related materials for a period of one year commencing either with the date of the grant of equipment authorization or with the date that the equipment first goes into public use. While recognizing that there may be unusual circumstances in individual cases which support the confidential treatment of such data after the effective date of the Commission grant of equipment authorization, we are unable to perceive any valid basis for a blanket a priori determination of confidentiality extending beyond the effective date of the Commission's grant as set forth in the rule we adopt today. As discussed above, the existence and design of a new device clearly fall within the trade secrets category prior to the commencement of marketing activities in a competitive field. Since such devices cannot be marketed prior to the grant of equipment authorization, nondisclosure is justified during the application process and until the equipment authorization is granted. It also appears justifiable to continue such confidential treatment for a reasonable time after the grant of equipment authorization to permit the manufacturer to make his own determination as to the appropriate commencement of marketing activities in a competitive field. To accomplish this, the rules adopted herein permit the applicant to suggest the earliest effective date for the Commission's grant, which will fit in with his marketing plans. It must be recognized of course that if a grant is issued with a deferred effective date pursuant to the request of the applicant, this deferred effective date becomes the earliest date that the applicant (or his distributors, vendors or others) may legally ship, sell, offer for sale or otherwise market the equipment in question.

24. The comments also raise the question of the status of materials already submitted and filed with the Commission prior to the effective date of the changes in the rules we are adopting today. Although the notice did not deal directly with this question, it is the Commission's view that equipment authorization information filed with the Commission under rules which accorded them confidential treatment should continue to be accorded confidential treatment and subject to disclosure only under the provisions of § 0.461 upon a determination by the Commission that disclosure would be in the public interest.

Time Frame for Grant of an Equipment Authorization

25. Collins, AT&T, Branson Instruments, EIA–BES, EIA–CEG, EIA–Land Mobile and GTE–Sylvania call attention to the fact that the rules proposed in this proceeding have omitted any mention of a time frame within which the Commission would respond to an application for an equipment authorization. It is pointed out that such a provision is presently included in § 2.571(c) which provides for an automatic grant of type acceptance after 30 days, if the Commission has not acted affirmatively on the application within that period. On the basis of this provision, the argument continues, industry has learned to include the 30 day period for grant of type acceptance in its design and production schedules for bringing a new product into production. It is contended further, that the deletion of this provision would introduce an untenable element of uncertainty into the involved process of putting a product on the market. In the same vein, EIA–CEG and others argue that a time limit [8] be imposed with respect to applications for certification although no such provision is currently in effect.

26. The Commission cannot accept these arguments. With an equipment authorization serving as a de facto authorization to market equipment, the authorization must be based on a positive finding by the Commission, and cannot be based on the mere passage of time. The Commission must accordingly deny the request for the automatic grant of such an authorization. On the other hand, the Commission recognizes the problems posed to industry if the issuance of such grants is unduly delayed. It accordingly commits itself to acting promptly on these applications. We take this opportunity of assuring industry that we propose to continue acting on applications for equipment authorization within the 30 day time frame that industry has learned to live with. In fairness to all, applications will be processed in order of receipt.

Non-Assignability of Equipment Authorization

27. In order to establish responsibility for continued compliance over devices produced under an equipment authorization and to facilitate orderly administration in terms of who is producing what devices under which grant, it is obvious that the Commission cannot permit the free exchange, transfer or assignment of

[5] Consumers Union v. Veterans Administration, 301 F. Supp. 796 (S.D.N.Y. 1969), 436 F. 2d 1363 (2d CIR. 1971), Wellford v. Hardin, 444 F. 2d 21 (4th CIR. 1971).

[6] FCC v. Schreiber, 381 U.S. 279 (1965).

[7] Newell v. O.A. Newton & Son Co., 177 F. Supp. 291 (S.D.N.Y. 1959).

[8] EIA Consumer Electronics Group recommends that an application for certification shall automatically be granted in 14 days in the absence of affirmative Commission action prior thereto.

equipment authorizations. However, in recognition of customary commercial practices, the Commission realizes that a grantee of an equipment authorization may wish to augment his production capabilities through the use of one or more subsidiary contractors. Also, a particular grantee may wish to permit a second party (manufacturer or vendor) to produce and/or market the device using an established trade name. Accordingly, the rules adopted herein permit licensing (or similar arrangements) of manufacturing or other commercial rights on the part of the grantee of an equipment authorization. Such licensing agreements may be effected subject only to notification of the agreement to the Commission. (See also the discussion in paragraph 37 below.)

28. Two things, however, should be fully understood with respect to the above described arrangements: (1) The grantee of the equipment authorization shall remain responsible to the Commission for the continued conformance of the equipment to the model reviewed by the Commission and shall exercise a high degree of diligence in assuring such conformance; and (2) The device must be marketed under the name and number submitted to the Commission in the original application. Any changes in the name or number of the equipment from those originally specified by the applicant will necessitate the filing of a new application. The rules also require notice to the Commission in cases of a transfer of control of a grantee, as in the case of merger or absorption of the grantee by another entity. This requirement will reestablish responsibility for the equipment in the new controlling party and inform such party of the duties and limitations accompanying a grant of equipment authorization. Depending on the circumstances of the particular case, the Commission may require a new application for equipment authorization from the new entity.

IDENTIFICATION OF EQUIPMENT

29. In § 2.925 of our proposed regulations, a requirement was set out for the identification of an equipment for which an equipment authorization was required. The need for a distinctive and specific identifier should be obvious and was not questioned in the comments.

30. In our type approval program an FCC Type Approval Number is issued by the Commission for many (but not all) the equipments tested at our laboratories. While this FCC Type Approval Number could be used as the distinctive identifier, we are reserving its use to indicate that the particular equipment had been tested by the Commission. Accordingly, for type approval, we are requiring that the equipment carry both the manufacturer's assigned identifier and the FCC Type Approval Number. For type acceptance and certification the Commission does not assign any identifying numbers but has agreed to accept the specific identifier assigned by the grantee, and this is the number that we require to be inscribed on the equipment.

31. A grant of an equipment authorization is valid only for the equipment bearing the identical model or type number set out therein. An equipment bearing a different model or type number, no matter how slight the difference—including such apparently insignificant changes as the addition of a suffix letter(s)—is considered a new equipment under this procedure and requires its own grant of equipment authorization. This rigidity must be imposed to preclude any possibility of ambiguity, to accommodate the Commission's present electronic data processing equipment which is used in the publication of our Radio Equipment List, and particularly, in anticipation of expanded use of electronic data processing within the next few years for application processing and for storing and retrieving information concerning grants of equipment authorizations.

32. Accordingly the Commission must deny the request to issue an equipment authorization for a family of equipments that are claimed to be nearly identical. If the manufacturer finds it to his advantage to make changes in the model or type number for production, sales or any other reason we must insist that the manufacturer request an individual grant of type approval, certification or type acceptance for such equipment. However, recognizing that many such equipments are in fact electrically and mechanically identical, we have simplified our application requirement for such similar equipments. In lieu of the detailed report of measurements and other information required with the application, the manufacturer may submit a statement indicating:

The model or type number of the previously authorized equipment.

The date when certification, type acceptance or type approval was granted.

How the new equipment differs from the previously authorized equipment.

That the data previously filed with the Commission is representative of and applicable to the new equipment for which an equipment authorization is requested.

Thus the only new data that must be submitted is that which concerns the changes made by the manufacturer. If these involve cosmetic changes, new photographs must be submitted showing the external appearance of the equipment.

DISCUSSION OF INDIVIDUAL REGULATIONS

33. *Section 2.903.* Amana Refrigeration, Inc. objected to the use of the word "identical" in the proposed § 2.903(b) which states that type approval attaches to all units which are identical in all respects to the sample tested by the Commission. Amana, recognizing minor differences due to production line tolerances, suggests the substitute phrase: "* * * mechanically identical in all significant respects." The Commission recognizes the validity of this argument and has added a new provision § 2.908 to define what we mean by the term identical as being:

Identical within the variation that can be expected to arise as a result of quantity production techniques.

34. *Sections 2.905 and 2.907.* EIA–BES requests a change in the wording of proposed § 2.905(b) to permit a manufacturer to make available a sample unit of type-accepted equipment, currently in production for inspection and test. EIA–CEG objects to the requirement in § 2.907(a) for the submission of test data and suggests that a summary of data, as presently required by § 15.69(e)(6) should be sufficient. AFTRCC, SPI, and Mann-Russell Electronics Inc., point out that proposed § 2.907(b) may be unreasonable in many instances. Due to size and power limitations, it is not always practical to submit to the Commission's laboratory for further testing many equipments that are certificated under Part 18. It would appear that the intent of the proposed provisions in §§ 2.905(b) and 2.907(b) had been misconstrued. To clarify this intent, we have deleted §§ 2.905(b) and 2.907(b) and have added a new § 2.943 which makes it clear that the Commission reserves the right to require a sample to be submitted for testing when it has reason to question the adequacy of the data or the suitability of the measurement procedure that was used. In addition a proviso is added under which the applicant may explain why such a submission should not be required. The Commission cannot accept the suggestion to use "summary of data" in our regulations. Our experience has been that some manufacturers have supplied a mere statement of compliance in their interpretation of the words, "a summary of the data obtained." It is for this reason that the Commission feels justified in requiring actual test data rather than a summary. Actual test data have been required under the type acceptance rules for many years and applicants have not objected to this practice as unduly burdensome. Moreover, the Commission is in fact accepting a summary of the measurement data with applications for certification of FM and TV receivers when it accepts a report of measurements filed on EIA's standardized report form.[9]

35. *Section 2.909.* In commenting on on the wording of proposed § 2.909(b) which would require the submission of equipment manuals and other printed material with the application for equipment authorization, EIA–BES suggests the addition of the words "when available" for consistency with other sections of the rules. The Commission, recognizing that manuals are not always available at the time application for an equipment authorization is submitted has made provision for submitting such material at a later time. LPB, Inc., a manufacturer of transmitters used in carrier current systems, contends that such systems must be certificated as a system—that certificating merely the transmitter will serve no useful purpose. The Commission agrees. In a separate rule making

[9] This form is described in EIA. Consumer Products Engineering Bulletin No. 4, June 1971.

relating to Part 15 it is revising its regulations to cover this situation. Specific requirements for the component parts of a carrier current system will be set out therein.

36. *Section 2.919.* In commenting on proposed § 2.919(b) EIA–CEG objects to the provision that would make the failure to supply additional documents or information not specifically required by this Subpart, a basis for the denial of an application. EIA–CEG claims that an applicant should not be required to supply data or meet requirements not specifically set out in the rules, and suggests that this provision be limited to documents or information required elsewhere in the rules. IEEE High Frequency Heating Committee points out that proposed § 2.919(b) is so broad that an application could be denied if the applicant fails to submit any type of information that might be requested regardless of its applicability to the pending application. The Commission has accordingly changed this provision to make it a basis for dismissal of the application instead of a denial.

37. *Section 2.925.* This section deals with the identification of the equipment which is discussed in some detail in paragraphs 23–26 above. The comments do not question the need for a distinctive identifier, but some questions were raised concerning the placement and visibility of the required identification label. In commenting on the requirement for an identification plate or label permanently and conspicuously affixed to equipment so that it is readily visible from a normal position of installation both DORCMA and Mosler Safe request exemptions for garage door openers and intrusion detectors respectively. DORCMA states that the garage door opener receiver is frequently "buried" in the door operator so as not to be visible after installation. DORCMA further states that door opener transmitters are often installed under automobile dashboards. Mosler Safe states that many of its purchasers request unobtrusiveness in the installation of intrusion detectors and moreover, in some cases, these devices may be installed as high as twelve feet from the floor of a protected area. EIA–CEG prefers placing labels on the bottom of radio or television receivers so as not to spoil the aesthetic value of the front or rear of cabinets and points out that space or ventilation is often a consideration for not using the rear surface. Branson Instruments calls attention to the need to identify equipment by its customer's name as many of its customers object to the use of the source manufacturer's name on equipment they purchase from Branson. Purchase agreements of this nature often stipulate "private labeling". The Commission, considering these comments has modified this requirement to permit "private labeling" in the case of certificated equipment and to eliminate the equipment that the label be readily visible after installation.

38. *Section 2.929.* In connection with the nonassignability of equipment authorizations, Mosler Safe, EIA–CEG and EIA–BES object to the proposed § 2.929 (a) which requires that a copy of a licensing or similar agreement be forwarded to the Commission within 30 days after the execution of such agreement. Mosler does not believe the Commission should be in a position to approve or disapprove licensing or similar agreements. EIA–BES objects on the basis that such business agreements or contracts usually contain conditions which are not related to equipment authorization. In view of these objections, this requirement has been revised to require merely that the Commission be notified of the existence of a licensing agreement. On the same subject EIA–CEG contends that the original grantee should not continue to be responsible to the Commission for equipment produced pursuant to licensing agreements as proposed in § 2.929(b) unless he can reasonably be assumed to know of a violation. Accepting this argument would be tantamount to permitting a grantee to transfer or assign his grant of equipment authorization and we must insist that the grantee continue to be responsible, for all equipment produced by a second party under such a licensing arrangement. If the grantee finds this requirement burdensome, he is of course free to require that his assignee apply for and receive an equipment authorization in the name of such assignee. Conversely, a manufacturer may not produce an equipment identical to one for which an equipment authorization had been issued to another person and which would bear the identical name and number given in such authorization unless such manufacturer has, in fact, been authorized to do so by the grantee of such authorization.

39. *Section 2.931(a). In connection* with proposed § 2.931(a), wherein a grantee warrants that each completed item of equipment will conform to the design and operational characteristics approved by the Commission, Amana Refrigeration, EIA–BES and EIA–CEG object on the basis that compliance is impossible because of manufacturing tolerances and differences in vendor component variations. Amana, therefore, would like to see deletion of the words, "* * * operational characteristics required * * *" instead of "* * * approved * * *". The intent of the rule is not to require all subsequently produced units to conform exactly to the characteristics reported to the Commission for the unit tested. Rather, the objective is to assure that authorized equipment conforms to pertinent requirements of the Commission's rules and that those technical characteristics of the equipment which are subject to Commission rules remain within the ratings established in the application and approved by the Commission at the time of grant, including any subsequent changes that are authorized by the Commission. This requirement is particularly pertinent for transmitting equipment which has been type accepted for licensing. For instance, if no more were required of the grantee of type acceptance than to keep the characteristics of subsequently produced units within Commission rule requirements or limitations, he would be free, in many cases to make very substantial changes in power, emission, circuitry, and other parameters of the transmitters without Commission knowledge or approval. This could result in serious impairment of the Commission's ability to administer licensed radio services. It is essential, therefore, that the technical characteristics of units produced pursuant to an equipment authorization be maintained within the limits or ratings, established by the grantee in his application. However, in consideration of the comments on this rule, we are revising the language to make the intent clearer.

40. *Section 2.931(b).* In commenting on proposed § 2.931(b), EIA–BES objects to submission of "design drawings" or "complete and current record of production inspection and test procedures," claiming that "this would place the Commission in the position of reviewing, and perhaps controlling, industry's competitive design and production techniques." The Commission does not agree with this viewpoint. Merely having access to drawings, specifications and test procedures would not derogate or control a competitive position. Many government agencies, through their inspection procedures, already have this type of access. As proposed, the rule applies only to the drawings, specifications and test procedures "employed to ensure compliance with pertinent technical standards and conformance with the design and operational characteristics of the equipment originally approved." The Commission finds that adoption of this rule would provide it with some degree of assurance that compliance with its technical standards persist beyond the initial grant of the authorization which is based upon data obtained from a single unit of equipment.

41. *Section 2.933.* In commenting on proposed § 2.933(a)(3), DORCMA expresses the opinion that there is no justification for requiring a new application and fees upon sale or merger of the grantee when there is no change in design, construction, equipment name or model number. DORCMA states that the acquiring firm in the transfer of control of business assumes the liabilities of the acquired company and concludes that the responsibility imposed by § 2.931 would be assumed by the acquiring firm as a matter of law. We do not deny this fact. However, accepting the legal responsibility required by § 2.931 carries no assurance that the acquiring company will have the technical and production capability to actually meet this legal responsibility. We recognize that under some circumstances involving sale or merger of the grantee, there would be no necessity or justification for insistence upon new applications and fees. In other cases, however, the sale or merger of the grantee may cause considerable disruption in operations, production facilities, personnel, procurement of components and other factors, all of which could seriously affect the final product. Therefore,

we have modified the language of the rule to indicate that the Commission may require the submission of new applications and fees, depending upon the circumstances of the merger or sale. If the acquiring firm is required to file a new application, the purpose would be to demonstrate to the Commission that the acquiring firm has the technical and production capability of meeting the obligations of a Commission grantee. Failure by the Commission to impose this responsibility when necessary, and to obtain assurance that the equipment in fact remains identical to that originally authorized would defeat the very purpose of the equipment authorization program. Insofar as § 2.933(a)(2) is concerned this does not involve any significant change from the status quo. At the present time, our rules concerning fees for equipment authorization [10] indicate that applications for authorization of equipments bearing different identifications are considered separate applications regardless of whether such equipment may be otherwise identical.

42. *Section 2.936 (2.935 in NPRM).* GTE Sylvania, Amana Refrigeration, EIA-Japan, EIA-BES, EIA-Land Mobile and the Votator Division have all filed comments relative to several paragraphs of the proposed § 2.935. Some of these organizations object to the access that the Commission would have to control procedure, inspection, test data, materials and testing apparatus (proposed § 2.935(b)). The Commission by this requirement entertains no desire to control industry's competitive practices. On the contrary, the Commission considers that only by retaining the right of review can it attain a reasonable degree of assurance that the equipment for which it grants authorization will continue to maintain the characteristics upon which the grant was made. There is, however, a strong consensus among almost all of these organizations expressing a strong objection to the proposed § 2.935(e) which requires making available for inspection, upon the request of the Commission, the sales and marketing records pertaining to "the device" for the previous three years. The objections, for the most part, are based upon the proprietary nature of such information. The Commission yields to these objections and has deleted proposed § 2.935(e) from the rules adopted herein.

43. *Section 2.937.* LPB, Inc., GTE Sylvania, Amana Refrigeration, EIA-Japan, EIA-CEG, EIA-Land Mobile and the Votator Division have all filed comments on § 2.937 regarding the responsibility of the grantee to correct equipment defects. Practically all of these comments contend that manufacturers should not be held responsible for alleged interference complaints when the fault may lie with the user, especially since many interference complaints are often caused by improper operation or actual misuse of the equipment. The Commission, recognizing the validity of these objections, has revised the wording of § 2.937 to clarify the responsibility of the grantee in this area.

44. Section 2.939. Comments were filed by Amana Refrigeration, EIA–CEG, EIA–BES, SPI, IEEE and Mann-Russell concerning proposed § 2.939, regarding revocation or withdrawal of an equipment authorization. In proposed § 2.939(a)(1), EIA–CEG recommends deletion of the reference to § 2.935(e). For the reason given in paragraph 36 above, the Commission has deleted this reference. EIA–BES recommends a change in § 2.939(a)(2) which deals with revocation of equipment authorization if upon subsequent inspection or operation it is determined that the equipment does not conform to the pertient technical requirements or to the representations made in the original application. The recommended change would allow for operational or maintenance problems by substituting the words, "* * * is not capable of conforming * * *" in place of "* * * does not conform * * *". The Commission will not adopt the suggested change. The requirement that equipment conform to the pertient technical requirements or to the representations made in the original application is not unreasonable nor does it mean that the authorization will be withdrawn if there is an isolated operational or maintenance problem. EIA–BES, commenting on § 2.939(a)(3), which deals with revocation of equipment authorization if it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission, recommends the addition of the words, "* * * the authorization will not cover the modified equipment". The Commission does not deem it advisable to add the wording suggested. In the case of such unauthorized changes, the equipment authorization no longer applies and the Commission will revoke the authorization. Amana Refrigeration, SPI, Mann-Russell, and IEEE, in commenting on § 2.939(c), recommend that manufacturers be allowed some period of time to comply with changes in the Commission's technical standards. The Commission has always provided a reasonable amortization period for non-conforming equipment when new technical standards have been promulgated, except in those situations where it had good cause to require immediate compliance with the new standards. However, the text of this regulation was revised to reflect this practice.

45. *Section 2.963.* Amana Refrigeration, EIA–BES and EIA–Japan have filed comments concerning the proposed § 2.-963. Both Amana and EIA–BES contend that instruction manuals may not be available at the time type approval is requested. The Commission has modified this provision and will permit the instruction book to be submitted within 60 days after the grant of type approval. EIA–Japan suggests that application forms be specified for type approval as they are for type acceptance and certification. Subsequent to the release of the notice of proposed rule making in this proceeding, the Commission issued Form 729, Application for Type Approval. Reference to this form number has been included in § 2.963.

46. *Section 2.967.* Litton/Atherton, Amana Refrigeration and AFTRCC consider too stringent the proposed § 2.967 (a) that requires a new type approval application and grant for any mechanical or electrical change whatsoever. All three of these organizations recommend permissive changes as allowed for type acceptance and certification. The Commission's type approval program differs from those of type acceptance and certification. With the latter two types of equipment authorization the Commission reviews measurements made by manufacturers. With type approval, measurements are made by the Commission's Laboratory. This is done for good reason on those types of equipment which require a greater degree of control. The proposed wording does not prohibit variations which will occur due to normal production tolerances. The reference to mechanical or electrical changes has to do with deliberate design or construction changes. The Commission does not consider this requirement too stringent and in order to maintain proper control in its type approval program, permissive design changes cannot be allowed.

47. *Sections 2.985–2.995 inclusive.* Relatively little comment was received on these sections which enumerate the measured data to be submitted with application for type acceptance. EIA–BES points out, with respect to § 2.993(a), that it is impractical to make open field measurements of large broadcast transmitters installed in buildings and recommends that the term, "radiated mean output power" may be ambiguous for certain classes of transmitters. For example, it is pointed out, the average power output of a television transmitter changes with brightness of the picture and it is not possible to indicate what the mean power is. EIA–BES recommends therefore that "rated power output" be used in its place. The Commission recognizes the problem in making open field measurements of large broadcast transmitters installed in buildings and the possible ambiguity in the term "radiated mean output power". In view of this, § 2.993 has been changed to allow measurements that are not made in an open field, but only upon a reasonable showing as to necessity. The Commission agrees with this recommendation of EIA–BES and has substituted the term "rated power output" in place of "radiated mean power output" in the text of § 2.993.

48. GTE Sylvania, with GTE Lenkurt concurring, requests that the Commission identify the data in the rules that will be available for release under § 0.457. Moreover, it requests that any non-specific requirements such as that in § 2.995(e) under which the Commission reserves the right to request additional frequency stability data under conditions that are not specified, be limited to valid regulatory purposes and that such data be automatically exempt from disclosure

[10] 47 CFR 1.1120.

under § 0.457. GTE, in this connection, points out that, if the Commission is to receive generous and uninhibited cooperation from the manufacturer, it must afford him corresponding protection. The question of disclosure of information has been discussed in paragraphs 17 to 24 of this report and need not be reargued at this point. The Commission would point out that a request for nondisclosure of such information may be submitted pursuant to § 0.459 of the rules.

49. *Section 2.1001.* EIA-Land Mobile commented that the proposed Section 2.1001 omits a class of permissive change which is included in the existing § 2.584 (c). The omitted class of permissive change includes those which bring the performance of the equipment outside the manufacturer's rated limits as originally filed but not below the minimum requirements of the applicable rules. EIA-Land Mobile believes that this class of permissive change should be retained, contending that it is in the public interest for manufacturer's ratings to exceed the Commission's requirements. The Commission agrees and has included this class of permissive change in the rules adopted herein. GTE Sylvania, with GTE Lenkurt concurring, believes that the definition of a type in § 2.1001(a) should be stated in functional terms rather than in terms of specific component or equipment type; for example the type of semiconductor circuitry, Sylvania claims, should be unimportant if the requirements for functional electrical and mechanical interchangeability are met. The Commission does not agree. One method of control to determine when a change in type has been made is an examination by the Commission's staff of the circuit configurations and tube or semi-conductor functions in an equipment. This means of determining when a change has been made is significant, especially since a change in tube or semi-conductor circuitry is often needed to alter the parameters upon which the original type acceptance grant was based. Accordingly the requirement of § 2.1001(a) will remain unchanged.

50. Accordingly, *it is ordered* effective March 25, 1974, That paragraph (d) of § 0.457 is amended, that Subpart F of Part 2 is deleted, and that a new Subpart J is added to Part 2. The revised rules adopted herein are set out in Appendices B and C to this order. Authority for these amendments is contained in section 4(i), 302 and 303(r) of the Communications Act of 1934, as amended.

51. *It is ordered further,* That the requirement for bilateral certification of low power communication devices, which have heretofore been subject to self-certification, shall become effective on September 1, 1974.

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

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, & Sec. 302, 82 Stat. 290; (47 U.S.C. 154, 302, 303))

Adopted: February 6, 1974.

Released: February 15, 1974.

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

APPENDIX A

COMMENTS IN THIS PROCEEDING WERE FILED BY THE FOLLOWING PARTIES

Aerospace and Flight Test Radio Coordinating Council (AFTRCC).
Amana Refrigeration, Inc.
American Telephone and Telegraph Co. (AT&T) on behalf of itself, Bell Telephone Laboratories Inc. and Western Electric Co., Inc.
Branson Instruments, Inc.
Collins Radio Company.
Door Operator and Radio Controls Manufacturers Assn. (DORCMA).
Electronic Industries Association of Japan (EIA Japan).
Electronic Industries Association (EIA).
Separate comments were filed by the following groups of EIA:
Consumer Electronics Group (EIA-CEG).
Broadcast Equipment Section of the Communications and Industrial Division (EIA-BES).
Land Mobile Section of the Communications and Industrial Division (EIA-Land Mobile).
Special Purpose Tubes Section of Tube Division (EIA-Tubes).
Gamewell Radio Systems (a Gulf and Western Systems Co.).
GTE Lenkurt Inc.
GTE Sylvania Inc.
Hoffman-LaRoche Inc.
Institute of Electrical and Electronics Engineers, Committee on High Frequency Heating (IEEE).
Litton Industries, Atherton Division.
LPB Inc.
Mann-Russell Electronics, Inc.
Mosler Safe Co.
Reeve Electronics, Inc.
Society of the Plastics Industry, Inc. (SPI).
Votator Division of Chemtron Corp.
Westinghouse Electric Corp., Electronic Tube Division.

REPLY COMMENTS WERE FILED BY

General Electric Co.
GTE Sylvania, Inc.
National Association of Manufacturers (NAM).

APPENDIX B

Paragraph (d) of § 0.457 of Part 0 is amended to read as follows:

§ 0.457 Records not routinely available for inspection.

* * * * *

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.* Section 552(b)(4) is specifically applicable to trade secrets and commercial or financial information but is not limited to such matters. Under this provision, the Commission is authorized to withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them, and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege. See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 32–34.

(1) The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to § 0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under § 0.461.

(i) Financial reports submitted by licensee of broadcast stations pursuant to § 1.611 of this chapter or by radio and television networks are not routinely available for public inspection.

(ii) Applications for equipment authorizations (type acceptance, type approval or certification), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request pursuant to § 0.461.

(iii) Financial reports submitted for CATV systems pursuant to § 76.405 of this chapter.

(2) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for nondisclosure of certain materials would be honored. See, e.g., 47 CFR (1966 ed.) 0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 81.506, 83.436, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this subdivision were superseded by the provisions of this paragraph, effective July 4, 1967. Equipment authorization information accepted on a confidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a persuasive showing as to the reasons for inspection of such information will be required in requests for inspection of such materials submitted under § 0.461.

(i) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to § 0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under § 0.461. In the absence of a

request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to § 0.461, even though some question may be present as to whether they contain trade secrets or like matter.

* * * * *

APPENDIX C

1. Part 2 is amended by deleting the present text and title of Subpart F and inserting the word Reserved.

2. Part 2 is amended by inserting the following new Subpart J.

Subpart J—Equipment Authorization Procedures Type Approval; Type Acceptance; Certification

GENERAL PROVISIONS

Sec.
2.901 Basis and purpose.
2.903 Type approval.
2.905 Type acceptance.
2.907 Certification.
2.908 Identical defined.

APPLICATION PROCEDURES

2.909 Written application required.
2.911 Fees.
2.912 Fees for type approval.
2.913 Fees for type acceptance or certification.
2.915 Grant of application.
2.917 Dismissal of application.
2.919 Denial of application.
2.921 Hearing on application.
2.923 Petition for reconsideration; application for review.
2.925 Identification of equipment.

CONDITIONS ATTENDANT TO GRANT OF EQUIPMENT AUTHORIZATION

2.927 Limitations on grant.
2.929 Nonassignability of an equipment authorization.
2.931 Responsibility of the grantee.
2.932 Modification of equipment.
2.933 Change in identification of equipment.
2.934 Change in name of grantee.
2.935 Change in control of grantee.
2.936 FCC Inspection.
2.937 Equipment defect and/or design change.
2.939 Revocation or withdrawal of equipment authorization.
2.941 Availability of information relating to grants.
2.943 Submission of equipment for testing.
2.945 Sampling tests of equipment compliance.

TYPE APPROVAL

2.961 Cross reference.
2.963 Application for type approval.
2.965 Submission of equipment for type approval testing.
2.967 Changes in type approved equipment.
2.969 Information required on identification label for type approved equipment.

TYPE ACCEPTANCE

2.981 Cross reference.
2.983 Application for type acceptance.
2.985 Measurements required: RF power output.
2.987 Measurements required: Modulation characteristics.
2.989 Measurements required: Occupied bandwidth.
2.991 Measurements required: Spurious emissions at antenna terminals.
2.993 Measurements required: Field strength of spurious radiation.
2.995 Measurements required: Frequency stability.
2.997 Frequency spectrum to be investigated.
2.999 Measurement procedure.
2.1001 Changes in type accepted equipment.
2.1003 Information required on identification label for type accepted equipment.

CERTIFICATION

2.1031 Cross reference.
2.1033 Application for certification under Part 15.
2.1035 Abbreviated procedure for identical or private label equipment.
2.1037 Application for certification under Part 18.
2.1039 On-site certification of ISM equipment.
2.1041 Measurement procedure.
2.1043 Changes in certificated equipment.
2.1045 Information required on identification label for certificated equipment.

FILING FOR APPLICATION REFERENCE

2.1061 Submission of technical information for application reference.
2.1063 Disclaimer re technical information filed for application reference.
2.1065 Identification and changes in equipment information filed for application reference.

GENERAL PROVISIONS

§ 2.901 Basis and purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment and parts or components thereof. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards provided, the rules governing the service may require that such equipment receive equipment authorization from the Commission by one of the following procedures: type approval, type acceptance, or equipment certification.

(b) The following sections describe the procedures to be followed in obtaining type approval, type acceptance or certification from the Commission and the conditions attendant to such a grant.

§ 2.903 Type approval.

(a) Type acceptance is an equipment authorization issued by the Commission based on examination and measurement of one or more sample units by the Commission at its laboratory.

(b) Type acceptance attaches to all units subsequently marketed by the grantee which are identical (See § 2.908) in all respects to the sample tested by the Commission or include only changes expressly authorized by the Commission.

§ 2.905 Type acceptance.

(a) Type approval is an equipment authorization issued by the Commission for equipment to be used pursuant to a station authorization. Type acceptance is based on representations and test data submitted by the applicant.

(b) Type approval attaches to all units marketed by the grantee which are identical (See § 2.908) to the sample tested except for permissive changes or other changes expressly authorized by the Commission.

§ 2.907 Certification.

(a) Certification is an equipment authorization issued by the Commission for equipment designed to be operated without individual license under Parts 15 and 18 of its rules, based on representations and test data submitted by the applicant.

(b) Certification attaches to units subsequently marketed by the grantee which are identical (See § 2.908) to the sample tested except for permissive changes or other changes expressly authorized by the Commission.

§ 2.908 Identical defined.

As used in §§ 2.903, 2.905 and 2.907, the term identical means identical within the variation that can be expected to arise as a result of quantity production techniques.

APPLICATION PROCEDURES

§ 2.909 Written application required.

(a) An application for equipment authorization shall be filed on a form prescribed by the Commission.

(b) Each application shall be accompanied by all information required by this Subpart and by those Parts of the rules governing operation of the equipment, and by requisite test data, diagrams, etc., as specified in this Subpart and in those sections of rules whereunder the equipment is to be operated.

(c) Each application including amendments thereto, and related statements of fact required by the Commission, shall be personally signed by the applicant if the applicant is an individual; by one of the partners if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association: *Provided, however,* That it will be sufficient if the application is signed by the head of an entity's engineering, technical, production, etc., department, with an indication of that representative's title, such as plant manager, etc.

(d) Technical test data shall be signed by the person who performed or supervised the tests. The person signing the test data shall attest to the accuracy of such data. The Commission may require such person to submit a statement showing that he is qualified to make or supervise the required measurements.

(e) The signatures of the applicant and the person certifying the test data shall be made personally by those persons on the original application; copies of such documents may be conformed. Signatures and certifications need not be made under oath.

§ 2.911 Fees.

No application for an equipment authorization will be accepted for processing unless it is accompanied by the fees prescribed in the Commission's schedule of fees in Subpart G of Part 1 of this Chapter.

§ 2.912 Fees for type approval.

(a) An application for type approval must be accompanied by the filing fee prescribed in § 1.1120 of this Chapter.

(b) Each grant of type approval is expressly conditioned (1.1102(d)) upon payment of the requisite grant fee prescribed in § 1.1120 of this Chapter. Failure to remit the specified grant fee within the time prescribed will result in rescission of the type approval which will then become null and void.

§ 2.913 Fees for type acceptance or certification.

(a) An application for type acceptance or for certification must be accompanied by the combined filing and grant fees prescribed in § 1.1120 of this Chapter.

(b) If the application is withdrawn, denied or dismissed and no grant is issued, the grant fee that had been paid will be refunded pursuant to § 1.1103(c).

§ 2.915 Grant of application.

(a) The Commission will grant an application for type approval, type acceptance, or certification if it finds from an examination of the application and supporting data, or other matter which it may officially notice, that:

(1) The equipment is capable of complying with pertinent technical standards of the rule part(s) under which it is to be operated; and,

(2) A grant of the application would serve the public interest, convenience and necessity.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Neither type approval, type acceptance nor certification shall attach to any equipment, nor shall any equipment authorization be deemed effective, until the application has been granted.

§ 2.917 Dismissal of application.

(a) An application which is not in accordance with the provisions of this Subpart may be dismissed.

(b) Any application, upon written request signed by the applicant or his attorney, may be dismissed prior to a determination granting or denying the authorization requested.

(c) If an applicant is requested by the Commission to file additional documents or information and fails to submit the requested material within 60 days, the application may be dismissed.

(d) An application for type approval which has been accepted by the Commission in which the equipment required to be tested is not received by the Commission's Laboratory within six months following the date of the application, may be dismissed.

§ 2.919 Denial of application.

If the Commission is unable to make the findings specified in § 2.915(a), it will deny the application. Notification to the applicant will include a statement of the reasons for the denial.

§ 2.921 Hearing on application.

Whenever it is determined that an application for equipment authorization presents substantial factual questions relating to the qualifications of the applicant or the equipment (or the effects of the use thereof), the Commission may designate the application for hearing. A hearing on an application for an equipment authorization shall be conducted in the same manner as a hearing on a radio station application as set out in Subpart B of Part 1 of this chapter.

§ 2.923 Petition for reconsideration; application for review.

Persons aggrieved by virtue of an equipment authorization action may file with the Commission a petition for reconsideration or an application for review. Rules governing the filing of petitions for reconsideration and applications for review are set forth in §§ 1.106 and 1.115, respectively, of this chapter.

§ 2.925 Identification of equipment.

(a) Each equipment for which an equipment authorization has been granted shall be uniquely identified with a name and type or model number inscribed on a plate or label. The detailed information to be inscribed on this plate or label is set out in the rules for the particular form of equipment authorization required.

(b) The identification plate or label shall be permanently affixed to the equipment and shall be readily visible to the purchaser at the time of purchase.

(c) Where it is shown that a permanently affixed label is not desirable or feasible, an alternative method of positively identifying the equipment may be used if approved by the Commission. The proposed alternative method of identification and the justification for its use must be included with the application for the equipment authorization.

(d) The type or model number specified in the grant of equipment authorization will be identical to that assigned by the manufacturer or applicant and given in the application for the equipment authorization. This number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type or model number shall not exceed 17.

(e) The type or model number assigned to the equipment shall be one which has not been used previously in conjunction with the same name that will be on the equipment.

CONDITIONS ATTENDANT TO A GRANT OF AN EQUIPMENT AUTHORIZATION

§ 2.927 Limitations on grants.

(a) A grant of an equipment authorization is effective until revoked or withdrawn, rescinded, surrendered, or a termination date is otherwise established by the Commission.

(b) A grant of an equipment authorization signifies that the Commission has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. The issuance of an equipment authorization should not be construed as a finding by the Commission with respect to matters not encompassed by the Commission's rules.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to an equipment authorization in a deceptive or misleading manner or convey the impression that such equipment authorization reflects more than a Commission determination that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

§ 2.929 Nonassignability of an equipment authorization.

(a) An equipment authorization issued by the Commission may not be assigned, exchanged or in any other way transferred to a second party.

(b) The grantee of an equipment authorization may license or otherwise authorize a second party to manufacture or market the equipment covered by the grant of the equipment authorization provided:

(1) The equipment manufactured by such second party bears the identical name and number as is set out in the grant of the equipment authorization.

NOTE.—Any change in the name or number desired as a result of such production or marketing agreement will require the filing of a new application for an equipment authorization as specified in § 2.933.

(2) The grantee of the equipment authorization shall continue to be responsible to the Commission for the equipment produced pursuant to such an agreement.

(3) Notice that such a licensing agreement has been entered in shall be provided to the Commission within 30 days after the execution of the agreement. The notice shall indicate with specificity the equipment involved, the date of application and date of grant of the equipment authorization, and shall indicate the provisions that the grantee has made to insure that equipment manufactured by such licensee will continue to comply with the Commission's regulations. The Commission may require the submission of additional information (new measurement data, etc.) depending on the circumstances in the particular case.

§ 2.931 Responsibility of the grantee.

(a) In accepting a grant of an equipment authorization the grantee warrants that each unit of equipment marketed under such grant and bearing the name and type or model number specified in the grant will conform to the unit that was measured and that the data (design and rated operational characteristics) filed with the application for type acceptance or certification, or measured by the Commission in the case of type approved equipment, continues to be representative of the equipment being produced under such grant within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) For each model or type of equipment for which an equipment authorization has been issued the grantee shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made.

(2) A record of the procedures used for production inspection and testing to ensure the conformance required by paragraph (a) of this section.

(c) The records listed in paragraph (b) of this section shall be retained for three years after the manufacture of said equipment item has been discontinued or for such longer period that may be specified, or until the conclusion of an investigation or a proceeding, if the grantee is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

§ 2.932 Modification of equipment.

(a) A new application for an equipment authorization shall be filed whenever there is a change in the design, circuitry or construction of an equipment or device for which an equipment authorization has been issued, except as provided in paragraphs (b), (c), and (d) of this section.

(b) Permissive changes may be made in a type accepted equipment pursuant to § 2.1001.

(c) Permissive changes may be made in a certificated equipment pursuant to § 2.1043.

(d) For changes in type approved equipment the procedure in § 2.967 shall apply.

§ 2.933 Change in identification of equipment.

(a) A new application for an equipment authorization shall be filed whenever there is a change in the identification of the equipment with or without a change in design, circuitry or construction.

(b) An application filed pursuant to paragraph (a) of this section where no change in design, circuitry or construction is involved, need not be accompanied by a resubmission of equipment or measurement or test data customarily required with a new application, unless specifically requested by the Commission. In lieu thereof, the applicant shall attach a statement setting out:

(1) The original identification used on the equipment prior to the change in identification.

(2) The date of the original grant of the equipment authorization.

(3) The original type approval number assigned by the Commission, if one was assigned.

(4) How the equipment bearing the modified identification differs from the original equipment.

(5) Whether the data previously filed with the Commission (or measured by the Commission in the case of type approved equipment) continues to be representative of and applicable to the equipment bearing the changed identification.

(6) In the case of type accepted equipment, the photographs required by § 2.983(f).

(7) In the case of certificated equipment, the photographs required by § 2.1033(c).

(c) If the change in identification also involves a change in design or circuitry which falls outside the purview of a permissive change described in §§ 2.1001 or 2.1043, a complete application shall be filed pursuant to § 2.909.

§ 2.934 Change in name of grantee.

Whenever there is a change in the name of the grantee of an equipment authorization, notice of such change must be received by the Commission not later than 60 days after the grantee starts using the new name.

§ 2.935 Change in control of grantee.

In the case of a transfer of control of the grantee of an equipment authorization, as in the case of sale or merger of the grantee, notice of such transfer must be received by the Commission not later than 60 days subsequent to the consummation of the agreement effecting the transfer of control. Depending on the circumstances in each case, the Commission may require new applications for equipment authorization for each device or equipment held by the predecessor in interest, production of which will be continued by the acquiring party.

§ 2.936 FCC inspection.

Each grantee of an equipment authorization shall upon reasonable request, submit the following to the Commission or shall make the following available for inspection:

(a) The device or equipment covered by the grant of equipment authorization.

(b) The record of design drawings and specifications required by § 2.931(b)(1).

(c) The record of the procedures used for production inspection and testing required by § 2.931(b)(2).

(d) The manufacturing plant and facilities.

§ 2.937 Equipment defect and/or design change.

When a complaint is filed with the Commission concerning the failure of equipment marketed under an equipment authorization to comply with pertinent requirements of the Commission's rules, and the Commission determines that the complaint is justified and arises out of an equipment fault attributable to the grantee, the Commission may require the grantee to investigate such complaint and report the results of such investigation to the Commission. The report shall also indicate what action if any has been taken or is proposed to be taken by the grantee to correct the defect, both in terms of future production and with reference to articles in the possession of users, sellers and distributors.

§ 2.939 Revocation or withdrawal of equipment authorization.

(a) The Commission may revoke any equipment authorization:

(1) For false statements or representations made either in the application or in materials or response submitted in connection therewith or in records required to be kept by § 2.931(b).

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.

(3) If it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission.

(4) Because of conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application.

(b) Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses.

(c) The Commission may withdraw any equipment authorization in the event of changes in its technical standards. The procedure to be followed will be set forth in the order promulgating such new technical standards (after appropriate rulemaking proceedings) and will provide a suitable amortization period for equipment in hands of users and in the manufacturing process.

§ 2.941 Availability of information relating to grants.

(a) Grants of equipment authorizations other than receiver certifications will be publicly announced in a timely manner by the Commission. Information about a receiver certification may be obtained by contacting the Office of the Chief Engineer.

(b) Information relating to equipment authorizations such as data submitted by the applicant in connection with an authorization application, laboratory tests of the device, etc., shall be available in accordance with § 0.457 of this chapter.

§ 2.943 Submission of equipment for testing.

(a) The Commission may require an applicant for type acceptance or certification to submit one or more sample units for measurement at the Commission's laboratory.

(b) In the event the applicant believes that shipment of the sample to the Commission's laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the applicant may submit a written explanation why such shipment is impractical and should not be required.

§ 2.945 Sampling tests of equipment compliance.

The Commission will, from time to time, call in various equipments for which authorizations have been granted, to determine the extent to which subsequent production of such equipment continues to comply with the data filed by the applicant (or measured by the Commission in the case of type approved equipment). Shipping costs to the Commission's laboratory and return shall be borne by the grantee.

TYPE APPROVAL

§ 2.961 Cross reference.

The provisions of this subpart, §§ 2.901 et seq., shall apply to applications for and grant of type approval.

§ 2.963 Application for type approval.

(a) An application for type approval shall be filed on FCC Form 729 with all questions answered.

(b) The application shall be filed by the party whose name will be placed on the equipment.

(c) If the applicant is not the manufacturer of the equipment, he shall attach a statement explaining the relationship between the applicant and the manufacturer accompanied by a confirming statement from the actual manufacturer.

(d) The applicant shall attach a statement containing a technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rules. The description should include the information listed below. If an item is not applicable, this should be stated.

(1) Type(s) of emission.

(2) Frequency range.

(3) Range of operating power and description of means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable rules.

(5) The voltages applied to and currents into the several elements of the final radio frequency amplifying device for normal operation over the power range. Indicate whether these voltages and currents are DC or AC.

(6) Function of each electron tube, semiconductor or other active circuit device.

(7) Complete circuit diagram.

(8) Instruction book(s). If the instruction book(s) is not available when the application is filed a set of draft instructions should be provided and the complete instruction book(s) should be submitted not later than 60 days after the grant of type approval, or such later date as may be specified.

(9) Tune up procedure over the power range or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting the operating power.

(12) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

§ 2.965 Submission of equipment for type approval testing.

After an application for type approval has been filed and accepted by the Commission, the applicant will be given instructions concerning the shipment of the equipment to the Commission's Laboratory. After testing is completed, the equipment will be returned to the applicant. Shipping costs to the Commission's Laboratory and return shall be borne by the applicant.

§ 2.967 Changes in type approved equipment.

(a) No mechanical or electrical change whatsoever may be made in a type approved equipment without prior approval by the Commission.

(b) A grantee desiring to make a change shall file an application on Form 729 accompanied by the appropriate fees. The grantee shall attach a description of the change(s) and shall indicate whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change(s) is authorized.

(c) If the Commission authorizes the change(s) requested, it may require the assignment of a new type or model number.

§ 2.969 Information required on identification label for type approved equipment.

In the case of an equipment that has been type approved, the identification plate or label required by § 2.925 shall contain the following information:

(a) Name of the grantee of the type approval.

(b) The words "TYPE NO." or "MODEL NO." followed by the number assigned to the equipment by the grantee.

(c) The words "FCC TYPE APPROVAL NO." followed by the type approval number assigned by the FCC, if a type approval number has been assigned.

(d) Any other statement or labeling requirement imposed by the rules governing the operation of this equipment.

TYPE ACCEPTANCE

§ 2.981 Cross reference.

(a) The general provisions of this subpart, §§ 2.901 et seq., shall apply to applications for and grants of type acceptance.

§ 2.983 Application for type acceptance.

An application for type acceptance shall be filed on FCC Form 723 by the party whose name will be placed on the equipment and shall include the following information either in answer to the questions on the form or as attachments thereto.

(a) Name of applicant indicating whether the applicant is the manufacturer of the equipment, a vendor other than the manufacturer (include the name of manufacturer), a licensee or a prospective licensee.

(b) Identification of equipment for which type acceptance is sought.

(c) Information whether quantity (more than one) production is planned.

(d) Technical description of the equipment sufficiently complete to develop all the factors concerning compliance with the technical standards of the applicable rule part(s). The description shall include the following items:

(1) Type or types of emission.

(2) Frequency range.

(3) Range of operating power values or specific operating power levels, and description of any means provided for variation of operating power.

(4) Maximum power rating as defined in the applicable part(s) of the rules.

(5) The dc voltages applied to and dc currents into the several elements of the final radio frequency amplifying device for normal operation over the power range.

(6) Function of each electron tube or semiconductor or other active circuit device.

(7) Complete circuit diagrams.

(8) Instruction book(s). If the instruction book(s) is not available when the application is filed a set of draft instructions should be provided and the complete instruction book(s) should be submitted not later than 60 days after the grant of type acceptance, or such later date as may be specified.

(9) Tune-up procedure over the power range, or at specific operating power levels.

(10) A description of all circuitry and devices provided for determining and stabilizing frequency.

(11) A description of any circuits or devices employed for suppression of spurious radiation, for limiting modulation, and for limiting power.

(e) The data required by §§ 2.985 through 2.997, inclusive, measured in accordance with the procedures set out in § 2.999.

(f) A photograph or drawing of the equipment identification plate or label showing the information to be placed thereon.

(g) Photographs (8''x10'') of the equipment of sufficient clarity to reveal equipment construction and layout, including meters, if any, and labels for controls and meters and sufficient views of the internal construction to define component placement and chassis assembly. Insofar as these requirements are met by photographs or drawings contained in instruction manuals supplied

with the type acceptance request, additional photographs are necessary only to complete the required showing.

§ 2.985 Measurements required: RF power output.

(a) For transmitters other than single sideband, independent sideband and controlled carrier radiotelephone, power output shall be measured at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.983(d)(5). The electrical characteristics of the radio frequency load attached to the output terminals when this test is made shall be stated.

(b) For single sideband, independent sideband, and single channel, controlled carrier radiotelephone transmitters the procedure specified in subparagraph (a) of this paragraph shall be employed and, in addition, the transmitter shall be modulated during the test as follows. In all tests, the input level of the modulating signal shall be such as to develop rated peak envelope power or carrier power, as appropriate, for the transmitter.

(1) Single sideband transmitters in the A3A or A3J emission modes—by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(2) Single sideband transmitters in the A3H emission mode—by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(3) As an alternative to paragraphs (b) (1) and (2) of this paragraph other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order intermodulation product must fall within the 35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(4) Independent sideband transmitters having two channels by 1700 Hz tones applied simultaneously in both channels, the input levels of the tones so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(5) Independent sideband transmitters having more than two channels by an appropriate signal or signals applied to all channels simultaneously. The input signal or signals shall simulate the input signals specified by the manufacturer for normal operation.

(6) Single-channel controlled-carrier transmitters in the A3 emission mode—by a 2500 cps tone.

(c) For measurements conducted pursuant to paragraphs (a) and (b) of this section, all calculations and methods used by the applicant for determining carrier power or peak envelope power, as appropriate, on the basis of measured power in the radio frequency load attached to the transmitter output terminals shall be shown. Under the test conditions specified, no components of the emission spectrum shall exceed the limits specified in the applicable rule parts as necessary for meeting occupied bandwidth or emission limitations.

§ 2.987 Measurements required: Modulation characteristics.

(a) Voice modulated communication equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a range of 100 to 5000 cps shall be submitted. For equipment required to have an audio low-pass filter, a curve showing the frequency response of the filter, or of all circuitry installed between the modulation limiter and the modulated stage shall be submitted.

(b) Equipment which employs modulation limiting: A curve or family of curves showing the percentage of modulation versus the modulation input voltage shall be supplied. The information submitted shall be sufficient to show modulation limiting capability throughout the range of modulating frequencies and input modulating signal levels employed.

(c) Single sideband and independent sideband radiotelephone transmitters which employ a device or circuit to limit peak envelope power: A curve showing the peak envelope power output versus the modulation input voltage shall be supplied. The modulating signals shall be the same in frequency as specified in paragraph (c) of § 2.989 for the occupied bandwidth tests.

(d) Other types of equipment: A curve or equivalent data which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

§ 2.989 Measurement required: Occupied bandwidth.

The occupied bandwidth, that is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission shall be measured under the following conditions as applicable:

(a) Radiotelegraph transmitters for manual operation when keyed at 16 dots per second.

(b) Other keyed transmitters—when keyed at the maximum machine speed.

(c) Radiotelephone transmitters equipped with a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal shall be 10 dB greater than that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 cps tone at an input level 16 dB greater than that necessary to produce 50 percent modulation. The input level shall be established at the frequency of maximum response of the audio modulating circuit.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400 Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (C)(2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However, any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(d) Radiotelephone transmitters without a device to limit modulation or peak envelope power shall be modulated as follows. For single sideband and independent sideband transmitters, the input level of the modulating signal should be that necessary to produce rated peak envelope power.

(1) Other than single sideband or independent sideband transmitters—when modulated by a 2500 cps tone of sufficient level to produce at least 85 percent modulation. If 85 percent modulation is unattainable, the highest percentage modulation shall be used.

(2) Single sideband transmitters in A3A or A3J emission modes—when modulated by two tones at frequencies of 400

Hz and 1800 Hz (for 3.0 kHz authorized bandwidth), or 500 Hz and 2100 Hz (for 3.5 kHz authorized bandwidth), or 500 Hz and 2400 Hz (for 4.0 kHz authorized bandwidth), applied simultaneously. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(3) Single sideband transmitters in the A3H emission mode—when modulated by one tone at a frequency of 1500 Hz (for 3.0 kHz authorized bandwidth), or 1700 Hz (for 3.5 kHz authorized bandwidth), or 1900 Hz (for 4.0 kHz authorized bandwidth), the level of which is adjusted to produce a radio frequency signal component equal in magnitude to the magnitude of the carrier in this mode.

(4) As an alternative to paragraphs (d) (2) and (3) of this section, other tones besides those specified may be used as modulating frequencies, upon a sufficient showing of need. However any tones so chosen must not be harmonically related, the third and fifth order intermodulation products which occur must fall within the −25 dB step of the emission bandwidth limitation curve, the seventh and ninth order products must fall within the −35 dB step of the referenced curve and the eleventh and all higher order products must fall beyond the −35 dB step of the referenced curve.

(5) Independent sideband transmitters having two channels—when modulated by 1700 Hz tones applied simultaneously to both channels. The input levels of the tones shall be so adjusted that the two principal frequency components of the radio frequency signal produced are equal in magnitude.

(e) Transmitters for use in the Radio Broadcast Services:

(1) Standard broadcast transmitters—when modulated 85 percent by a 7500 Hz input signal.

(2) FM broadcast transmitter not used for multiplex operation—when modulated 85 percent by a 15 kHz input signal.

(3) FM broadcast transmitters for multiplex operation under Subsidiary Communication Authorization (SCA)—when carrier is modulated 70 percent by a 15 kHz main channel input signal, and modulated an additional 15 percent simultaneously by a 67 kHz subcarrier (unmodulated).

(4) FM broadcast transmitter for stereophonic operation—when modulated by a 15 kHz input signal to the main channel, a 15 kHz input signal to the stereophonic subchannel, and the pilot subcarrier simultaneously. The input signals to the main channel and stereophonic subchannel each shall produce 38 percent modulation of the carrier. The pilot subcarrier should produce 9 percent modulation of the carrier.

(5) Television broadcast aural transmitters—when modulated 85 percent by a 15 kHz input signal.

(f) Transmitters for which peak frequency deviation (D) is determined in accordance with § 2.202(f), and in which the modulating baseband comprises more than 3 independent speech channels—when modulated by a test signal determined in accordance with the following:

(1) A modulation reference level is established for the characteristic baseband frequency. (Modulation reference level is defined as the average power level of a sinusoidal test signal delivered to the modulator input which provides the specified value of per-channel deviation.)

(2) Modulation reference level being established, the total rms deviation of the transmitter is measured when a test signal consisting of a band of random noise, extending from below 20 kHz to the highest frequency in the baseband, is applied to the modulator input through any preemphasis networks used in normal service. The average power level of the test signal shall exceed the modulation reference level by the number of decibels determined using the appropriate formula in the following table:

Number of telephone channels that modulate the transmitter	*Number of dB by which the average power level of the test signal shall exceed the modulation reference level*
More than 3 and less than 12	To be specified by the equipment manufacturer subject to FCC approval.
At least 12 and less than 60	$2.6+2 \log_{10} N_c$.
At least 60 and less than 240	$-1+4 \log_{10} N_c$.
240 or more	$-15+10 \log_{10} N_c$.

Where N_c is the number of baseband telephone channels in radio systems employing multichannel multiplex telephony. See § 2.202(e) in this Chapter.

(g) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the tests should provide the manufacturer's maximum rated condition.

(h) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal should be supplied.

§ 2.991 Measurements required: Spurious emissions at antenna terminals.

The radio frequency voltage or powers generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated under the conditions specified in § 2.989 as appropriate. The magnitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be specified.

§ 2.993 Measurements required: Field strength of spurious radiation.

(a) Measurements shall be made to detect spurious emissions that may be radiated directly from the cabinet, control circuits, power leads, or intermediate circuit elements under normal conditions of installation and operation. Curves or equivalent data shall be supplied showing the magnitude of each harmonic and other spurious emission. For this test, single sideband, independent sideband, and controlled carrier transmitters shall be modulated under the conditions specified in paragraph (c) of § 2.989, as appropriate. For equipment operating on frequencies below 890 MHz, an open field test is normally required, with the measuring instrument antenna located in the far-field at all test frequencies. In the event it is either impractical or impossible to make open field measurements (e.g. a broadcast transmitter installed in a building) measurements will be accepted of the equipment as installed. Such measurements must be accompanied by a description of the site where the measurements were made showing the location of any possible source of reflections which might distort the field strength measurements. Information submitted shall include the relative radiated power of each spurious emission with reference to the rated power output of the transmitter, assuming all emissions are radiated from half-wave dipole antennas.

(b) The measurements specified in paragraph (a) of this section shall be made for the following equipment:

(1) Those in which the spurious emissions are required to be 60 dB or more below the mean power of the transmitter.

(2) All equipment operating on frequencies higher than 25 MHz.

(3) All equipment where the antenna is an integral part of, and attached directly to the transmitter.

(4) Other types of equipment as required, when deemed necessary by the Commission.

§ 2.995 Measurements required: Frequency stability.

(a) The frequency stability shall be measured with variation of ambient temperature as follows:

(1) From −30° to +50° centigrade for all equipment except that specified in subparagraphs (2) and (3) of this paragraph.

(2) From −20° to +50° centigrade for equipment to be licensed for use in the Maritime Services under Parts 81 and 83 of this chapter and equipment to be licensed for use above 952 MHz at operational fixed stations in all services, stations in the Local Television Transmission Service and Point-to-Point

Microwave Radio Service under Part 21, and equipment licensed for use aboard aircraft in the Aviation Services under Part 87 of this chapter.

(3) From 0° to +50° centigrade for equipment to be licensed for use in the Radio Broadcast Services under Part 73 of this chapter.

(b) Frequency measurements shall be made at the extremes of the specified temperature range and at intervals of not more than 10° centigrade through the range. A period of time sufficient to stabilize all of the components of the oscillator circuit at each temperature level shall be allowed prior to frequency measurement. The short term transient effects on the frequency of the transmitter due to keying (except for broadcast transmitters) and any heating element cycling normally occurring at each ambient temperature level also shall be shown. Only the portion or portions of the transmitter containing the frequency determining and stabilizing circuitry need be subjected to the temperature variation test.

(c) In addition to all other requirements of this section, the following information is required for equipment incorporating heater type crystal oscillators to be used in mobile stations, for which type acceptance is first requested after March 25, 1974, except for battery powered, hand carried, portable equipment having less than 3 watts mean output power.

(1) Measurement data showing variation in transmitter output frequency from a cold start and the elapsed time necessary for the frequency to stabilize within the applicable tolerance. Tests shall be made after temperature stabilization at each of the ambient temperature levels; the lower temperature limit 0° centigrade and +30° centigrade with no primary power applied.

(2) Beginning at each temperature level specified in paragraph (c)(1) of this section, the frequency shall be measured within one minute after application of primary power to the transmitter and at intervals of no more than one minute thereafter until ten minutes have elapsed or until sufficient measurements are obtained to indicate clearly that the frequency has stabilized within the applicable tolerance, whichever time period is greater. During each test, the ambient temperature shall not be allowed to rise more than 10° centigrade above the respective beginning ambient temperature level.

(3) The elapsed time necessary for the frequency to stabilize within the applicable tolerance from each beginning ambient temperature level as determined from the tests specified in this paragraph shall be specified in the instruction book for the transmitter furnished to the user.

(4) When it is impracticable to subject the complete transmitter to this test because of its physical dimensions or power rating, only its frequency determining and stabilizing portions need be tested.

(d) The frequency stability shall be measured with variation of primary supply voltage as follows:

(1) Vary primary supply voltage from 85 to 115 percent of the nominal value for other than hand carried battery equipment.

(2) For hand carried, battery powered equipment, reduce primary supply voltage to the battery operating end point which shall be specified by the manufacturer.

(3) The supply voltage shall be measured at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided. Effects on frequency of transmitter keying (except for broadcast transmitters) and any heating element cycling at the nominal supply voltage and at each extreme also shall be shown.

(e) When deemed necessary, the Commission may require tests of frequency stability under conditions in addition to those specifically set out in paragraphs (a)(b)(c) and (d) of this section. (For example measurements showing the effect of proximity to large metal objects, or of various types of antennas, may be required for portable equipment).

§ 2.997 Frequency spectrum to be investigated.

In all of the measurements set forth in §§ 2.991 and 2.993 of this part, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the 10th harmonic of the carrier frequency or to the highest frequency practicable in the present state of the art of measuring techniques, whichever is lower. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multipler stages should also be checked. The amplitude of spurious emissions which are attenuated more than 20 dB below the permissible value need not be reported.

§ 2.999 Measurement procedure.

The Commission may consider data which have been measured in accordance with established standards and measurement procedures as published by engineering societies and associations such as the Electronic Industries Association, the Institute of Electrical and Electronics Engineers, Inc. and the American National Standards Institute. Specific reference should be made to the standard(s) used. If a published standard is not used the applicant shall submit a detailed description of the measurement procedure actually used. In either case, he shall submit a listing of the test equipment used.

§ 2.1001 Changes in type accepted equipment.

(a) Equipment of the same type is defined for the purposes of type acceptance as being equipment which is electrically and mechanically interchangeable. In addition, transmitters of the same type will have the same basic tube or semiconductor line up, frequency multiplication, basic frequency determining and stabilizing circuitry, basic modulator circuit and maximum power rating.

(b) Two classes of permissive changes may be made in type accepted equipment without requiring a new application for and grant of type acceptance.

(1) A Class I permissive change includes those modifications in the equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when type acceptance is granted, and which do not change the type of equipment as defined in paragraph (a) of this section. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which bring the performance of the equipment outside the manufacturer's rated limits as originally filed but not below the minimum requirements of the applicable rules, and do not change the type of equipment as defined in paragraph (a) of this section. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of type acceptance prior to acknowledgement by the Commission that the change is acceptable.

(3) When a Class II permissive change is made by other than the grantee of type acceptance, the information and data specified in paragraph (2) of this section shall be supplied by the person making the change. The modified equipment shall not be operated under an authorization of the Commission prior to acknowledgement by the Commission that the change is acceptable.

(c) A grantee desiring to make a change other than a permissive change as described in paragraph (b) of this section, shall file an application on Form 723 accompanied by the required fees. The grantee shall attach a description of the change(s) to be made and a statement indicating whether the change(s) will be made in all units (including previous production) or will be made only in those units produced after the change(s) is authorized.

(d) If the Commission authorizes the change requested, it may require the assignment of a new type number.

(e) Users shall not modify their own equipment except as provided by paragraph (b) of this section.

§ 2.1003 Information required on identification label for type accepted equipment.

In the case of an equipment that has been type accepted, the identification plate or label required by § 2.925 shall contain the following information:

(a) Name of the grantee of the type acceptance.

(b) The words "TYPE NO." followed by the number assigned to the equipment by the grantee. If the name plate contains information in addition to that required by this section the words "TYPE NO." may be preceded by the words "FCC DATA:" to facilitate the selection of the identifier used by the Commission in its grant of type acceptance.

NOTE: If the equipment involved is a transceiver containing transmitting and receiving capability and a single identifier is used, the marking of paragraph (b) shall be used. If the transmitter part and the receiver part are assigned separate identifiers, the marking of paragraph (b) shall be replaced with "TRANSMITTER TYPE NO." and "RECEIVER MODEL NO.". These words may be prefixed by the term "FCC DATA", if desired.

(c) Any other statement or labeling requirement imposed by the rules governing the operation of this equipment.

CERTIFICATION

§ 2.1031 Cross reference.

The general provisions of this subpart § 2.901 et seq. shall apply to applications for and grants of certification.

§ 2.1033 Application for certification under Part 15.

(a) An application for certification shall be filed on FCC Form 722 with all items answered. Items that do not apply shall be so noted.

(b) The application shall be accompanied by the required fees, report of measurements, and such other attachments as specified in Part 15 for the particular equipment.

(c) The application shall be accompanied by a photograph, 8'' x 10'' in size, showing the front of the equipment. If the identification plate does not appear on this photograph, or is too small to be read, a second photograph, 8'' x 10'' in size, shall be attached showing the identification plate in sufficient detail so that the name and number can be read. In lieu of the second photograph, a sample label, or a facsimile thereof, may be attached with a sketch showing where this label will be placed on the equipment.

§ 2.1035 Abbreviated procedure for identical or private label equipment.

(a) Application for certification of a private label equipment or an equipment bearing a new model number which is essentially identical to a previously certificated equipment shall be filed on FCC Form 722. Items that do not apply shall be so noted.

(b) The application shall be accompanied by the required fees.

(c) In lieu of the report of measurements and other attachments required by § 2.1033(b), the application may be accompanied by a statement setting forth.

(1) The name and the model number of the previously certificated receiver.

(2) The date when certification was granted.

(3) A description of how the new equipment differs from the previously certificated equipment.

(4) A statement that the data previously filed is applicable to and representative of the new equipment.

(d) The application shall be accompanied by a photograph, 8'' x 10'' in size, showing the front of the equipment. If the identification plate does not appear on this photograph, or is too small to be read, a second photograph, 8'' x 10'' in size, shall be attached showing the identification plate in sufficient detail so that the name and number can be read. In lieu of the second photograph, a sample label, or a facsimile thereof, may be attached with a sketch showing where this label will be placed on the equipment.

§ 2.1037 Application for prototype certification of ISM equipment.

(a) An application for prototype certification of ISM equipment may be submitted only for equipment that will be produced in quantity and which can be tested on a suitable test site.

(b) The application shall be filed on FCC Form 722 with all items answered. Items that do not apply shall be so noted.

(c) The application shall be accompanied by the required fees, a report of measurements and such other attachments as are specified in Part 18 for the particular equipment.

(d) The application shall be accompanied by a statement that the model (or type) for which prototype certification is requested will be produced in quantity, that the equipment lends itself to testing on a test site, and that the results of such measurements can be expected to represent the performance of that model (or type) wherever installed.

§ 2.1039 On-site certification of ISM equipment.

(a) Part 18 provides for on-site certification of ISM equipment which is not built in quantity or which does not lend itself to measurement on a test site.

(b) On-site certification shall be performed on the equipment after it is installed for operation in accordance with the procedures set out in Part 18 for the particular equipment.

§ 2.1041 Measurement procedure.

The measurement procedures are specified in the rules governing the particular device for which certification is requested.

§ 2.1043 Changes in certificated equipment.

(a) Changes may be made in equipment for which certification has been granted provided such change does not affect the characteristics required to be reported, and does not result in a change in name or model number.

(b) A change which affects the characteristics required to be reported requires a new application for, and grant of certification. The Commission may require such modified equipment to be identified with a new model number.

(c) A change which results in a new name and/or model number (with or without change in circuitry) requires a new application for, and grant of, certification. If the change affects the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of § 2.1035 may be used.

§ 2.1045 Information required on identification label for certificated equipment.

In the case of an equipment that has been certificated, the identification plate or label required by § 2.925 shall contain the following information.

(a) Name of the grantee of certification. Alternatively the name of the manufacturer or the private label trade name may be used provided this information was set out in the application for certification. The name used on the identification plate or label shall be identical to that on any exterior surface of the equipment.

(b) The words "MODEL NO." followed by the number assigned to the equipment by the grantee. If the identification label contains other numbers in addition to that required by this section, such other numbers shall be preceded by terms such as "SERVICE NO.", "CATALOG NO." or other similar term, to avoid confusion with the Commission required identifier following "MODEL NO.". The words "MODEL NO." may be preceded by the term "FCC DATA:" to facilitate the selection of the identifying number used by the Commission in its grant of certification.

NOTE.—If the equipment involved is a transceiver containing transmitting and receiving capability and a single identifier is used, the marking of paragraph (b) shall be replaced with the words "TYPE NO.". If the transmitter part and the receiver part are assigned separate identifiers, the marking of paragraph (b) shall be replaced with "TRANSMITTER TYPE NO." and "RECEIVER MODEL NO.". These words may be prefixed by the term "FCC DATA", if desired.

(c) Any other statement or labeling requirement imposed by the rules governing the operation of this equipment.

FILING FOR APPLICATION REFERENCE

§ 2.1061 Submission of technical information for application reference.

An application for station authorization in some services requires a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for the submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit all information required by the application form and the rules for the services in which the equipment is to be used. An application for a station authorization submitted subsequent to such filing

may refer to the technical information so filed.

§ 2.1063 Disclaimer re technical information filed for application reference.

Receipt by the Commission of data for application purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.1065 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces in any assigned Arabic numerals, capital letters, punctuation marks and spaces in any assigned type number shall not exceed 17. The type number shall be shown on an identification plate or label affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of equipment modification, a new identification plate or label bearing the new type number shall be affixed to the modified equipment.

[FR Doc.74–3560 Filed 2–14–74;8:45 am]

federal register

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Volume 39 ■ Number 33

PART IV

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 CFR, 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 determination frequently and in large volume causes 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 29 CFR, 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 Decision No. AQ–4072 for the State of Mississippi; No. AQ–79 for the State of Nebraska; Nos. AQ–2045; AQ–2050; AQ–2055; and AQ–2057 for the State of Pennsylvania; Nos. AQ–4073; AQ–4074 for the State of Tennessee.

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:

Florida:	
AQ–4033	Nov. 16, 1973
AQ–4053; AQ–4054	Jan. 25, 1974
Massachusetts:	
AQ–3073	Jan. 4, 1974
Michigan:	
AQ–3054; AQ–3058	Dec. 21, 1973
Montana:	
AQ–1071	Jan. 25, 1974
AQ–1075; AQ–1076	Feb. 1, 1974
New Hampshire:	
AQ–3029	Nov. 1, 1973
AQ–3033	Nov. 9, 1973
New York:	
AP–845	June 8, 1973
AQ–2001	July 13, 1973
Rhode Island:	
AQ–2010	Aug. 24, 1973
AQ–3028	Oct. 26, 1973
West Virginia:	
AP–402; AP–403	July 21, 1972
AP–405	July 28, 1972

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:

Arizona:	
AQ–1072(AQ–1085)	Jan. 25, 1974
Connecticut:	
AQ–3009(AQ–3096)	Sept. 7, 1973
AQ–3017(AQ–3097); AQ–3018(AQ–3098)	Oct. 12, 1973
Florida:	
AQ–4007(AQ–4070)	Sept. 7, 1973
AQ–4041(AQ–4071)	Dec. 14, 1973
Georgia:	
AQ–4000(AQ–4068)	July 20, 1973
AQ–4001(AQ–4069)	July 29, 1973
Illinois:	
AP–4(AQ–3095)	July 21, 1972
Indiana:	
AP–4(AQ–3095)	Do.
Kentucky:	
AQ–4025(AQ–4075); AQ–4026(AQ–4076)	Oct. 19, 1973
Michigan:	
AP–4(AQ–3095)	July 21, 1973
Minnesota:	
AP–4(AQ–3095)	Do.
Nebraska:	
AP–525(AQ–80)	Apr. 13, 1973
Nevada:	
AP–269(AQ–1082)	Mar. 16, 1973
AP–290(AQ–1081)	Apr. 6, 1973
AP–912(AQ–1083)	June 29, 1973
New York:	
AP–4(AQ–3095)	July 21, 1972
Ohio:	
AP–4(AQ–3095)	Do.
Pennsylvania:	
AP–4(AQ–3095)	Do.
AP–830(AQ–2062); AP–834(AQ–2067)	May 25, 1973
AQ–2018(AQ–2061)	Aug. 24, 1973
AQ–2026(AQ–2065); AQ–2027(AQ–2068); AQ–2030(AQ–2066)	Oct. 26, 1973
AQ–2033(AQ–2063); AQ–2034(AQ–2064)	Dec. 14, 1973
AQ–2047(AQ–2069)	Feb. 1, 1974
Wisconsin:	
AP–4(AQ–3095)	July 21, 1972

Signed at Washington, D.C. this 8th day of February 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Mississippi
DECISION NO.: AQ-4072
COUNTY: Washington
DATE: See Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

76 - Miss. - 1 - A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$6.00				
Carpenters	4.14				
Cement Masons	4.00				
Electricians	4.00				
Glaziers	3.48				
Ironworkers, Structural	7.15	.30	.35		.04
Ironworkers, Reinforcing	7.15	.30	.35		.04
Laborers	2.17				
Lathers	4.50				
Mason Tenders	2.50				
Mortar Mixers	2.25				
Painters, bursh	5.00				
Plasterers	4.50				
Plumbers	5.09				
Roofers	3.50				
Sheet Metal Workers	3.72				
Soft Floor Layers	4.75				
Terrazzo Workers	4.50				
Tile Setters	4.50				
Truck Drivers	2.17				
Power Equipment Operators:					
Asphalt Distributor	3.00				
Asphalt Spreader	3.00				
Backhoe	4.78				
Bulldozer	3.00				
Cranes, Derricks, Draglines	6.22				
Motor Grader	3.00				
Roller	3.00				
Tractor	2.17				

NEW DECISION

STATE: Nebraska
COUNTY: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux
DECISION NUMBER AQ-79
DATE: Date of Publication
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.60					
Carpenters	5.00					
Cement Masons	4.30					
Electricians	3.76					
Glaziers	3.00					
Ironworkers, Reinforcing	4.00					
Laborers	2.50					
Painters, brush	3.50					
Plumbers	6.00					
Roofers	3.75					
Sheet Metal workers	6.00					
Truck Drivers	3.00					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						
Power Equipment Operators:						
Bulldozers	3.75					
Cranes, derricks, draglines	4.15					
Graders	3.75					
End Loaders	3.25					
Rollers	3.00					
Scrapers	4.00					

NEW DECISIONS

State: Pennsylvania
County: Indiana
Decision No.: AQ-2045
Date of Publication
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION — 32-PA-1-A — 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Otherr
Asbestos workers	$9.47	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers & stone masons:						
Banks, Brushvalley, Buffington, Canal, Cherryhill, Grant, Green, Mahoning, Montgomery, pine & Weatfield twps.	8.38	.45	.60		.01	
Armstrong, Blacklick, Center, Conemaugh, Rayne, Surrell, Washington, White, Young, & Indiana Twps.	9.00	.45	.72			
Remainder of County	8.32	.35	.58			
Carpenters	8.04	5%	5%	5%	1%	
Cement masons	8.60	6%	16%			
Electricians	9.60	.35	1% +.20	.60	.05	
Elevator constructors'	7.73	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+a+b	.005	
Elevator constructor's helpers (prob)	3.865					
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers, structural	8.775	.785	.775		.03	
Ironworkers, reinforcing	8.775	.785	.775		.03	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non-self-propelled) stripper & mover of forms, cement masons footers, window cleaner, tool room man, all material conveyor (regardless of power used, incl. starting and stopping)	6.60	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk-behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runner's helper, (incl. drill mounted on truck, track or similar), blaster's helpers, all operators of compacting equipment, pipe layer, burner, jackhammer, concrete buster	6.725	.40	.40			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortae mixer, mortar mixing machine (regardless of power used, incl. starting and stopping) Grout Machine, Feeder & Pump Operator	6.90	.40	.40			
Concrete saw operators	6.90	.40	.40			

BUILDING CONSTRUCTION — 32-PA-1-A — 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Gunnite Nozzleman	$7.10	.40	.40		
Blaster & wagon drill operators	7.15	.40	.40		
Lead Burners	8.75	.30		c	.01
Line Construction:					
Linemen & cable splicer	10.02	.15	1%		5%
Groundmen	6.01	.15	1%		5%
Winch truck operator	7.01	.15	1%		5%
Millwrights	7.66	5%	2½%	26%	1%
Painters:					
Commercial, Brish	7.04	.55	.35		.12
Industrial, Brush	7.89	.55	.35		.12
Piledrivermen	9.27	5%	7%		.50 of 1%
Plasterers	7.75				.01
Plumbers	8.90	.38	.40		.02
Roofers	8.59	4%	.95		.035
Sheet metal workers	8.83	.65	.85		.02
Soft floor layers	8.04	5%	5%	5%	1%
Sprinkler fitters	9.05	.40	.60		.07
Steamfitters	8.90	.38	.40		.02

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES;

a. Employer contributes 4% of basic hourly rate for 5 years or 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F

c. 9 paid holidays: A through F, and Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday., and is availiable for work the day preceding and following the holiday.

PA-2-PEO-1 1 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (C&I or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistence required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), frenki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (C&I or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09

PA-2-PEO-1-L 2 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, greder, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), junbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similer type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone					

PA-2-Peo-1-L 3 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09
Conveyors 4 units or more	9.20	.50	.50		.09
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Hotor Hydraulic (single type_ power driven, ladevator, mixer mortar (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,					

PA-2-Peo-1-L 4 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09
Cranes truck oiler & fireman	7.80	.50	.50		.09
Oiler, mechanic helper	7.70	.50	.50		.09

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

State: Pennsylvania
County: Schuylkill
Decision No.: AQ-2050
Date of Publication
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

54-PA-a-N 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.16	.42	.30		.01
Boilermakers	9.12	.50	1.00	.25	.01
Bricklayers & Stonemasons	7.65	.30	.60		
Carpenters	7.65	.25	.25		.02
Cement masons	7.65	.30	.60		
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington Twps., Pottsville, Schuylkill Haven:					
Electricians	8.74	.28	1%		.03
Pine Grove Twps.	7.81	.20	1%		.005
Remainder of County	8.80	.20	1%+.20		
Glaziers	7.74	.25	.10		.01
Ironworkers	8.29	.47	1.03		.01
Laborers:					
Unskilled Laborers & Window Cleaners	4.90	.25	.10		
Operator of Jackhammer, Paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators cofferdam (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal & power buggies	5.00	.25	.10		
Lathers	7.25	.15			.01
Leadburners	8.75	.30		a	.01
Line construction:					
Linemen, heavy equipment operator	9.04	.20	1%		
Groundman, truck driver	6.41	.20	1%		
Groundman	6.15	.20	1%		
Marble setters & terrazzo workers	7.65	.30	.60		
Millwrights	8.79	.25	.25		.02
Painters:					
Commercial and Industrial					
Brush	5.10				
Steel	5.95				
Spray	5.85				
Piledrivermen	9.42	1.23	.55	e	.07
Plasterers	7.65	.30	.60		
Plumbers & Steamfitters	8.20	.30	.25		.03

54-PA-1-N 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roofers:					
Barry Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Fraily, Hegins, Hubley, Kline, New Castle, North Union, Porter, Hahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn:					
Composition	$7.60	.50	.40		
Remainder of County:					
Composition, damp waterproofing	8.725	.375	.10	d	
slate, tile & asbestos	9.175	.375	.10	d	
Precast slab	9.525	.375	.10	d	
Sheet metal workers	7.87	.25	.30		.04
Soft floor layers	7.39	.25	.25		.02
Sprinkler fitters	9.05	.40	.60		.07
Tile setters	6.65	.30	.60		.05
Truck drivers	5.88	b	c		
Welder - rate for craft.					

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, plus Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

b. Employer contributes $58.37 per month to Health and Welfare fund.
c. Employer contributes $39.00 per month to Pension Fund.
d. Paid Holiday: C

e. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans 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.
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-22-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.

NEW DECISION

AQ-2,055 P. 2

State: Pennsylvania
Decision No.: AQ-2055
County: Lancaster
Date of Publication
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

36-PA-1-W 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.16	.42	.30		.01
Boilermakers	9.12	.50	1.00	.25	.01
Bricklayers	7.65	.25	.45		
Carpenters	7.65	.25	.25		.02
Cement Masons	7.44	.25	.25		.01
Electricians:					
W. Calico, E. Calico, Brecknock, E. Carl, & Caernarvon Twps.	8.74	.28	1%		.03
Remainder of County	8.45	.20	1%		1/8 of 1%
Elevator constructors	8.07	.345	.23	1½/2%+a+b	.015
Elevator constructors' helpers	5.65	.345	.23	1½/2%+a+b	.015
Elevator constructors' helper (prob)	4.035				
Glaziers:					
Elizabeth, Clay, Brecknock, W. Calico, Ephrata, Warwick, Earl, East Earl, W. Earl, Manheim, Caernavron Twps.	7.32	.25	.10		.01
Ironworkers	8.46	.64	1.06		.05
Laborers:					
Unskilled laborers, window cleaners & Fire watch	5.00	.30	.25		
Operators of jackhammers, paving breakerts, Waco barko & air tampers, chipping hammers, virbrators & all other pneumatic & mechanical tools coming under the jurisdiction of laborers whether operated by air, electricity or any other means, & vacuum cleaner	5.20	.30	.25		
Wagon drill & 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 scafford 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		

36-PA-1-W 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont):					
Laborers assisting tile, marble setters & terrazzo workers	$5.05	.30	.25		
Handling & using of 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		
Lathers	7.71	.25	.25		
Lead burners	8.75	.30		c	.01
Line Construction:					
Linemen	8.42	.15	1%		.005
Cable splicers	8.42	.15	1%		.005
Groundman	5.05	.15	1%		.005
Winch truck operators	5.89	.15	1%		.005
Marble setters	6.60	.15	.45		
Millwrights	8.21	.20	.25		.02
Painters:					
Elizabeth Dowetal Township					
Brush	6.83	.20	.15		
Stell	7.28	.20	.15		
Spray	7.58	.20	.15		
Remainder of County					
Brush	6.86	.45	.26	.20	
Steel	7.91	.45	.26	.20	
Spray	7.91	.45	.26	.20	
Roller	6.86	.45	.26	.20	
Piledrivermen	9.42	1.23	.40	e	.07
Plasterers	7.15	.25	.25		.01
Plumbers	8.90	.30	.40		.12
Roofers:					
Comp., damp & waterproofing	8.725	.375	.10	d	
Slate, tile & asbestos	8.875	.375	.10	d	
Roofers, precast slab	9.225	.375	.10	d	
Sheet metal workers	8.43	.52	.50		
Sprinkler fitters	9.05	.40	.60		.07
Soft floor layers	7.39	.25	.25		.02
Steamfitters	8.90	.30	.40		.12
Stonemasons	7.46	.25	.45		
Terrazzo workers	6.60	.15	.45		
Tile setters	6.60	.15	.45		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

36-PA-1-W 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Chirstman 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. Six (6) paid Holidays: A through F

c. Nine paid holidays: A through F and Washington's Birthday, Good Friday and Christman 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 holidays.

d. Paid Holiday: C

e. Paid Holiday: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans 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.
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, fireman (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)

	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.

NEW DECISION

STATE: Pennsylvania
COUNTY: Beaver
DECISION NO.: AQ-2057
DATE: Date of publication
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

4-PA-1-Y 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.47	.35	.70		
Boilermakers	9.07	7%	7%		.01
Bricklayers	8.525	.40	.45	.80	
Carpenters	8.54	5%	7%	6%	.30 of 1%
Cement masons	9.53				1½%
Electricians	8.95	7%	1%	.60 + 2%	1½%
Elevator constructors	7.73	.17	.185	1½%+a+b	.005
Elevator constructors' helpers	5.41	.17	.185	1½%+a+b	.005
Elevator constructors' helpers (prob.)	3.865				
Glaziers	7.89	.35	.44	.33	.01
Ironworkers, structural	8.775	.785	.775		.03
Ironworkers, reinforcing	8.775	.785	.775		.03
Laborers:					
Laborers, carryable, pumps, west brick buggy or Similar, Vibrator Operators, Walk Behind Forklift or Similar (Non Self-Propelled) Stripper and movers, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of pwoer used) including starting and stopping	6.70	.40	.40		
West Brick Buggy or Similar (Self-Propelled), Power Wheelbarrows and Buggies, Walk behind Forklift or Similar, (self-Propelled) Wagon Drill helper, Drill Runner, Drill Runner's Helper, (Including Drill Mounted on truck, track or similar), Blaster's Helper, all operators of compacting equipment, pipe layer, burner, jack-hammer, man-concrete buster	6.825	.40	.40		
Hod carrier, scaffold builder, bell and bottom man on furnances & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping), grout machine					
feeder & pump operator	6.95	.40	.40		
Concrete saw operators	6.95	.40	.40		
Gunnite nozzleman	7.20	.40	.40		
Blaster & wagon drill operator	7.40	.40	.40		
Lathers	8.18		.10		
Lead burners	8.75	.30		c	.01

4-PA-1-Y 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Line Construction:					
Linemen	$10.02	.15	1%		¼%
Cable splicers	10.02	.15	1%		¼%
Groundmen	6.01	.15	1%		¼%
Winch truck operator	7.01	.15	1%		¼%
Marble setters	8.525	.40	.45	.80	
Marble setters' helpers	7.95		.10		
Millwrights	7.66	5%	2.5%	26%	1%
Painters:					
Bruch, commercial	7.15	.35	.30		
Spray	7.65	.35	.30		
Painters, Industrial:					
Painters, bush	8.15	.35	.30		
Roller	8.65	.35	.30		
Piledrivermen	9.27	5%	7%		.50 of 1%
Plasterers	9.10				.01
Roofers	7.96	4%	.85		.035
Sheet metal workers	8.83	.65	.85		.02
Soft floor layers, carpet cutters	8.245	5%	5%	4.5%	¼%
Sprinkler fitters	9.05	.40	.60		.07
Stone masons	8.525	.40	.45	.80	
Terrazzo workers	8.525	.40	.45	.80	
Tile setters	8.525	.40	.45	.80	
Welders - 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. 6 paid holidays: A through F

c. Paid holidays, A through F and Washington's Birthday and Good Friday, Christmas Day, provided employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.

PA-2-PEO-1-L 1 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-treveler (self propelled), derrick (all types) (when assistence required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09

PA-2-PEO-1-L 2 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone					

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), sprey cure machine (power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09
Conveyors 4 units or more	9.20	.50	.50		.09
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type_ power driven, ladevator, mixer mortar (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,					

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09
Cranes truck oiler & fireman	7.80	.50	.50		.09
Oiler, mechanic helper	7.70	.50	.50		.09

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

NEW DECISION

STATE: Tennessee
DECISION NO.: AQ-4073
COUNTY: Dyer
DATE: See Date of Publication
DESCRIPTION OF WORK: Building Construction (exoluding single family homes and garden type apartments up to and including 4 stories)

23-TENNESSEE-1-B

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$7.775	.35	.25			
Air Conditioning & Htg. Mechanic	5.00					
Bricklayers	6.00					
Carpenters	4.25					
Cement Masons	4.58					
Electricians	4.49					
Glaziers	4.00					
Ironworkers:						
Structural , Ornamental	7.75	.30	.35		.125	
Laborers:						
Laborers	2.50					
Mason tenders	3.10					
Mortar mixers	3.10					
Plasterers' Tenders	3.25					
Painters, brush	4.19					
Plasterers	5.25					
Plumbers	4.50					
Roofers	4.57					
Sheet Metal Workers	4.50					
Soft floor layers	6.30					
Tile Setters	6.15					
Truck Drivers	2.50					
Power Equipment Operators:						
Backhoe	4.91					
Bulldozers	4.46					
Grader	4.35					
Roller	3.79					
Tractor	4.00					
Cranes, derricks, draglines	4.38					

NEW DECISION

STATE: Tennessee
DECISION NO.: AQ-4074
COUNTY: Lake and Obion
DATE: See Date of Publication
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.
Air Conditioning & Heating Mechanics	$3.42				
Bricklayers	6.45				
Carpenters	4.00				
Cement Masons	5.28				
Electricians	3.75				
Dry Wall Finishers	4.92				
Dry Wall Hangers	4.22				
Insulation Installers	2.35				
Ironworkers, Structural & Ornamental	6.00				
Laborers:					
Laborers	2.35				
Mason tenders	3.26				
Painters, brush	4.00				
Plumbers	4.08				
Roofers	4.00				
Sheet Metal Workers	4.14				
Soft floor layers	5.27				
Tile Setters	6.15				
Truck Drivers	2.38				
Power Equipment Operators:					
Backhoe	4.91				
Bulldozer	5.00				
Graders	4.00				
Roller	3.75				
Pans	3.75				
Tractor	4.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4033 - Mod. #1 (38 FR 31778 - November 16, 1973) Dade County, Florida					
Change:					
Asbestos workers	$9.96	.35	.35		.02
Elevator Constructors	9.03	.345	.23	2%+a+b	.015
Elevator Constructors' helpers	70%JR	.345	.23	2%+a+b	.015
Elevator Constructors' helpers (prob.)	50%JR	.345	.23	2%+a+b	.015
DECISION #AQ-4053 - Mod. #1 (38 FR 3384 - January 25, 1974) Orange County, Florida					
Change:					
Asbestos workers	6.24	.35	.20	.75	.02
Carpenters:					
Carpenters	7.15	.40		.20	.03
Piledrivermen	7.40	.40		.20	.03
Soft floor layers	7.15	.40		.20	.03
Sheet metal workers	7.33	.20	.20	.20	.01
DECISION #AQ-4054 - Mod. #1 (38 FR 3386 - January 25, 1974) Hillsborough County, Florida					
Change:					
Boilermakers	7.50	.40	.90		.02
Bricklayers:					
Bricklayers	7.55	.30	.50		.05
Stonemasons	7.55	.30	.50		.05
Marble masons	7.30	.30	.50		.05
Terrazzo workers	7.30	.30	.50		.05
Tile setters	7.30	.30	.50		.05
Cement masons	6.80	.30	.50		.05
Cement block layers	7.55	.30	.50		.05
DECISION #AQ-3,073 - Mod. #3 (39 FR 1197 - January 4, 1974) Worcester County, Massachusetts					
Change: 39 FR 4278 dated February 1, 1974 DECISION #AQ-3,073 - Mod. #1 to DECISION #AQ-3,073 - Mod. #2					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3054 - Mod. #1 (38 FR 35156 - December 21, 1973) Charlevoix County, Michigan						
Change:						
Building and Heavy Construction:						
Bricklayers & stonemasons	$7.90	.45				
Cement masons	7.45	.45				
Lead burners	8.75	.30				
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.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3058 - Mod. #1						
(38 FR 35159 - December 21, 1973)						
Gogebic County, Michigan						
Change:						
Building and Heavy Construction:						
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	a17.00	a10.00	b		
Heavy Duty, double axle and semi	6.15	a17.00	a10.00	b		
Euclid	6.38	a17.00	a10.00	b		
Truck repair and maintenance	6.23	a17.00	a10.00	b		
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.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1071 - Mod. #1						
(38 FR 3399 - January 25, 1974)						
Statewide, Montana						
Change:						
Sprinkler Fitters	$ 7.65	.30	.50		.05	
DECISION #AQ-1075 - Mod. #1						
(38 FR 4354 - February 1, 1974)						
Deer Lodge, Gallatin and Silver Bow Counties, Montana						
Change:						
Sprinkler Fitters	7.65	.30	.50		.05	
DECISION #AQ-1076 - Mod. #1						
(38 FR 4361 - February 1, 1974)						
Cascade, Hill, Flathead, Sanders and Valley Counties, Montana						
Change:						
Sprinkler Fitters	7.65	.30	.50		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3029 - Mod. #1						
(38 FR 30362 - November 1, 1973)						
Hillsboro County, New Hamphsire						
Change:						
Building Construction:						
Carpenters:						
Pelham:						
Carpenters & soft floor layers	$8.85	.50	.50		.03	
Lead burners	8.75	.30		c	.01	
Line Construction:						
Linemen	7.32	.30	1%	d		
Equipment operator	6.82	.30	1%	d		
Groundman	4.85	.30	1%	d		
Driver groundman	5.70	.30	1%	d		
Footnote:						
d. Holidays; B,C,D,E,F provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.						
DECISION # AQ-3033 - Mod. #1						
(38 FR 31130 November 9, 1973)						
Hillsboro County, New Hampshire						
Change:						
Residential Construction:						
Carpenters:						
Pelham:						
Carpenters and soft floor layers	$8.85	.50	.50		.03	
DECISION # AQ-2,001 - Mod. #2						
(38 FR 18845 - July 13, 1973)						
Nassau County, New York						
Change:						
Asbestos workers	$8.75	13.1%	9%	12%		
Bricklayers	9.40	.78	2.92	.30		
Carpenters, building:						
South of Southern State Parkway in Hempstead Borough:						
Carpenters, soft floor layers, Dock builders and piledrivermen	9.36	.90	1.53	.50	.02	
Remainder of County, building:						
Carpenters, soft floor layers, Dock builders and piledrivermen	9.00	1.12	1.01	.75	.11	
Electricians and linemen	9.55	6%	1.35	5%	5/8 of 1%	
Laborers: building						
Laborers	7.65	.62	.83	.66		
Mason tenders	7.65	.62	.83	.66		
Leadburners	8.75	.30		d	.01	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-845 - Mod #2					
(38 FR 15345 - June 8, 1973)					
Orange County, New York					
Change:					
Laborers: (Building)					
Common Laborers, mason tenders, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking walking power buggy men, landscaper and chipping hammer (air or electric 1" or under)	7.62	.55	.55		
Asphalt men, pipe layers, air or electric jackhammer, powermen, gunnite, sandblasting, barmen, chain saw, riding power buggy, vibro barco, joy tamper, or similar walk behind roller	7.87	.55	.55		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECSION #AQ-3028 - Mod. #2 (38 FR 29728 - October 26, 1973) Newport County, Rhode Island						
Change: Electricians: Remainder of County:						
Up to and inlcuding 3 stories	$5.25	.38	1%		.02	
Above 3 stories	8.40	.38	1%+.25		.02	
DECISION #AQ-2010 - Mod. #3 (38 FR 22875 - August 24, 1973) Washington County, Rhode Island						
Change: Electricians: Remainder of County						
Up to and including 3 stories	$5.25	.38	1%		.02	
Above 3 stories	8.40	.38	1%+.25		.02	
Decision #AP402 - Mod. #6 (37 FR 14659 - July 21, 1972) Kanawha County, West Virginia						
Change: See Attached Schedule						
Decision #AP-403 - Mod. #6 (37 FR 14661 - July 21, 1972) Cabell County, West Virginia						
Change: See Attached Schedule						
Decision #AP-405 - Mod. #6 (37 FR 15236 - July 28, 1972) Kanawha County, West Virginia						
Change: See Attached Schedule						

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, end loaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	$8.95	.25	.35		.04
CLASS II					
All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.45	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.05	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	7.65	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.95	.25	.35		.04

SUPERSEDEAS DECISION

AQ-1085 P. 2

STATE: Arizona
COUNTY: Statewide*
DECISION NUMBER: AQ-1085
DATE: Date of Publication

Supersedes Decision No. AQ-1072 dated January 25, 1974, in 39 FR 3374.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

*Establish a point 35 miles due north from the City Hall of the City of Flagstaff and establish another point 35 miles due north from the City Hall of the City of Kingman, then draw a straight line from the first point to the second point and extend that same line to the intersection of the Arizona - Nevada State Line. Establish a third point 35 miles due north of the City Hall of the City of Holbrook and draw a straight line from the first point to the third point and from the third point extend a line due east to the intersection of the Arizona-New Mexico State Line.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.98	.50	.65		.01	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS: (Phoenix Area)						
Bricklayers; Manhole Builders; Stonemasons:						
Zone A (0-25 miles from the City Hall of Phoenix; Flagstaff and Yuma)	9.07	.50	.45		.03	
Zone B (25-40 miles from the City Hall of Phoenix; and Williams AFB)	9.52	.50	.45		.03	
Zone C (40-70 miles from the City Hall of Phoenix)	10.43	.50	.45		.03	
Zone D (70-100 miles from the City Hall of Phoenix)	10.88	.50	.45		.03	
Zone E (100-200 miles and over from the City Hall of Phoenix)	11.34	.50	.45		.03	
Zone F (200 miles and over from the City Hall of Phoenix)	11.79	.50	.45		.03	
BRICKLAYERS: (Tuscon Area)						
Bricklayers; Stonemasons:						
Zone A (0-15 miles from Tucson City limits)	8.855	.50	.44		.06	
Zone B (Over 15 miles to 30 miles from Tucson City limits)	9.23	.50	.44		.06	
Zone C (Over 30 miles to 40 miles from Tucson City limits)	9.605	.50	.44		.06	
Zone D (Over 40 miles from Tucson City limits)	10.355	.50	.44		.06	
BRICKLAYERS: (Tucson Area) (Cont'd)						
Manhole Builders:						
Zone A (0-15 miles from Tucson City limits)	$9.105	.50	.44		.06	
Zone B (Over 15 miles to 30 miles from Tucson City limits)	9.48	.50	.44		.06	
Zone C (Over 30 miles to 40 miles from Tucson City limits)	9.855	.50	.44		.06	
Zone D (Over 40 miles from Tucson City limits)	10.60	.50	.44		.06	
CARPENTERS:						
(Central and Southern Areas):						
Carpenters; Drywall Applicator; Saw Filer; Shingler	8.25	.45	.60		.025	
Floorlayers (finish); Piledrivermen	8.50	.45	.60		.025	
Millwrights	8.625	.45	.60		.025	
(Northern Area)						
Carpenters; Drywall Applicator; Saw Filer; Shingler	10.125	.45	.60		.025	
Floorlayers (finish); Piledrivermen	10.375	.45	.60		.025	
Millwrights	10.50	.45	.60		.025	
CEMENT MASONS:						
(Central and Southern Area)						
Cement Masons	7.985	.50	.60		.025	
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	8.13	.50	.60		.025	
(Northern Area)						
Cement Masons	9.96	.45	.65		.025	
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	10.105	.45	.65		.025	
DRYWALL:						
(From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB):						
Tapers:						
Zone A (0-40 miles)	8.48	.275		.50	.04	
Zone B (40-60 miles)	9.48	.275		.50	.04	
Zone C (60 miles and over)	9.73	.275		.50	.04	
Texture Spraymen:						
Zone A (0-40 miles)	8.58	.275		.50	.04	
Zone B (40-60 miles)	9.58	.275		.50	.04	
Zone C (60 miles and over)	9.83	.275		.50	.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Flagstaff Area)						
Zone A (In the City of Flagstaff, that area lying in a square extending 20 miles North-South, East and West of the Post Office)(Williams, Winslow and Sedona covering a square extending 5 miles North-South, East and West of the Post Office of each town)						
Electricians	$9.35	.40	1%+.60		1/2%	
Cable Splicers	9.55	.40	1%+.60		1/2%	
Zone B (All territorial jurisdiction allotted outside of Zone A)						
Electricians	10.85	.40	1%+.60		1/2%	
Cable Splicers	11.05	.40	1%+.60		1/2%	
ELECTRICIANS: (Gallup Area - Northern Apache County)						
Electricians	8.82	.25	1%		1/2%	
Cable Splicers	9.56	.25	1%		1/2%	
ELECTRICIANS: (Globe-Miami Area)						
Zone A (The area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing)						
Electricians	9.775	.45	1%		1/2%	
Cable Splicers	10.025	.45	1%		1/2%	
Zone B (16-28 miles)						
Electricians	10.475	.45	1%		1/2%	
Cable Splicers	10.725	.45	1%		1/2%	
Zone C (28-46 miles)						
Electricians	11.075	.45	1%		1/2%	
Cable Splicers	11.325	.45	1%		1/2%	
Zone D (46 miles and over)						
Electricians	11.775	.45	1%		1/2%	
Cable Splicers	12.025	.45	1%		1/2%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Phoenix-Kingman-Prescott Area)						
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane. North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway including Luke and Williams Air Force Bases.)						
Electricians	$9.45	.40	1%+.60		3/4%	
Cable Splicers	9.92	.40	1%+.60		3/4%	

AO-1085 P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (cont;d)						
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east)						
Electricians	$11.10	.40	1%+.60		3/4%	
Cable Splicers	11.66	.40	1%+.60		3/4%	
Zone C (Cutside edge of Zone B and extend to the outside limits of the union's jurisdiction.)						
Electricians	11.93	.40	1%+.60		3/4%	
Cable Splicers	12.53	.40	1%+.60		3/4%	
ELECTRICIANS: (Tucson Area)						
Zone A (Area within 16 road miles from City Hall of Tucson and Douglas)						
Electricians	9.175	.45	1%+.60		1/2%	
Cable Splicers	9.425	.45	1%+.60		1/2%	
Zone B (From the 16th road mile and extend up to and incl. the 28th road mile from the City Hall in Tucson Only)						
Electricians	9.875	.45	1%+.60		1/2%	
Cable Splicers	10.125	.45	1%+.60		1/2%	
Zone C (From the 28th road mile and extend up to and incl. the 46th road mile from the City Hall in Tucson only)						
Electricians	10.475	.45	1%+.60		1/2%	
Cable Splicers	10.725	.45	1%+.60		1/2%	

AO-1085 P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Tucson Area) (Cont'd)						
Zone D (From the 46th road mile and extend to the outside limits of the Units Jurisdiction and (Douglas Zone D shall be from the 16th road mile and extend to the outside limits of the Units Jurisdiction)						
Electricians	$11.175	.45	1%+.60		1/2%	
Cable Splicers	11.425	.45	1%+.60		1/2%	
ELECTRICIANS: (Yuma Area)						
Zone A (Yuma North of Colorado River, East to County Avenue 5E, South to County 16, West to County, Avenue E; Cities of Somerton and Parker)						
Electricians	9.075	.45	1%+.60		1%	
Cable Splicers	9.825	.45	1%+.60		1%	
Zone B (1-16 miles from Zone A)						
Electricians	9.575	.45	1%+.60		1%	
Cable Splicers	10.325	.45	1%+.60		1%	
Zone C (16-42 miles from Zone A)						
Electricians	10.075	.45	1%+.60		1%	
Cable Splicers	10.825	.45	1%+.60		1%	
Zone D (42 miles from Zone A and out)						
Electricians	10.525	.45	1%+.60		1%	
Cable Splicers	11.275	.45	1%+.60		1%	
GLAZIERS (Statewide (except the Northern and Central parts of Apache, Coconino, Mohave and Navajo and the Northern half of Yavapai County)	7.37	.35	.30	.52	.01	
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
(Central and Southern Area)	8.58	.58	.625		.04	
(Northern Area)	10.21	.58	.625		.04	
PAINTERS: (Flagstaff Area)						
Zone A (From Flagstaff Court House to 20 miles)						
Brush; Glaziers; Soft floor layers	7.47	.38	.20	.50	.10	
Brush, steel and bridge	7.97	.38	.20	.50	.10	
Spray	7.92	.38	.20	.50	.10	
Spray, steel and bridge	8.47	.38	.20	.50	.10	
Zone B (20-35 miles from Court House in Flagstaff)						
Brush; Glaziers; Soft floor layers	7.97	.38	.20	.50	.10	
Brush, steel and bridge	8.47	.38	.20	.50	.10	
Spray	8.42	.38	.20	.50	.10	
Spray, steel and bridge	8.97	.38	.20	.50	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (Flagstaff Area)(Cont'd)						
Zone C (35-100 miles from Court House in Flagstaff)						
Brush; Glaziers; Soft floor layers	$8.72	.38	.20	.50	.10	
Brush, steel and bridge	9.22	.38	.20	.50	.10	
Spray	9.17	.38	.20	.50	.10	
Spray, steel and bridge	9.72	.38	.20	.50	.10	
Zone D (100 miles and over from Court House in Flagstaff)						
Brush; Glaziers; Soft floor layers	8.97	.38	.20	.50	.10	
Brush, steel and bridge	9.47	.38	.20	.50	.10	
Spray	9.42	.38	.20	.50	.10	
Spray, steel and bridge	9.97	.38	.20	.50	.10	
PAINTERS: (Phoenix Area)						
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):						
Brush; Soft floor layers	7.54	.40	.35	.50	.05	
Spray	7.79	.40	.35	.50	.05	
Steel and bridge, brush	7.89	.40	.35	.50	.05	
Steel and bridge, spray	8.09	.40	.35	.50	.05	
Zone B (41-60 miles from Court House in Phoenix):						
Brush; Soft floor layers	8.54	.40	.35	.50	.05	
Spray	8.79	.40	.35	.50	.05	
Steel and bridge, brush	8.89	.40	.35	.50	.05	
Steel and bridge, spray	9.09	.40	.35	.50	.05	
Zone C (60 miles and over from Court House in Phoenix):						
Brush; Soft floor layers	9.04	.40	.35	.50	.05	
Spray	9.29	.40	.35	.50	.05	
Steel and bridge, brush	9.39	.40	.35	.50	.05	
Steel and bridge, spray	9.59	.40	.35	.50	.05	
PAINTERS: (Tucson Area)						
Zone A (1-30 miles from Tucson Post Office):						
Brush	6.25	.29	.25		.02	
Spray	6.75	.29	.25		.02	
Steel and bridge, brush	7.20	.29	.25		.02	
Steel and bridge, spray	7.70	.29	.25		.02	
Zone B (31-40 miles from Tucson Post Office)						
Brush	7.00	.29	.25		.02	
Spray	7.50	.29	.25		.02	
Steel and bridge, brush	7.95	.29	.25		.02	
Steel and bridge, spray	8.45	.29	.25		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (Tucson Area) (Cont'd)						
Zone C (41-50 miles from Tucson Post Office):						
Brush	$7.25	.29	.25		.02	
Spray	7.75	.29	.25		.02	
Steel and bridge, brush	8.20	.29	.25		.02	
Steel and bridge, spray	8.70	.29	.25		.02	
Zone D (51 miles and over from Tucson Post Office);						
Brush	7.50	.29	.25		.02	
Spray	8.00	.29	.25		.02	
Steel and bridge, brush	8.45	.29	.25		.02	
Steel and bridge, spray	8.95	.29	.25		.02	
PLASTERERS (Phoenix Area):						
Zone A (0-30 miles from Phoenix)	8.495	.35	.65		.035	
Zone B (30-40 miles from Phoenix)	8.995	.35	.65		.035	
Zone C (40-50 miles from Phoenix)	9.245	.35	.65		.035	
Zone D (50 miles and over from Phoenix)	10.12	.35	.65		.035	
PLASTERERS (Tucson Area):						
Zone A (0-30 miles from Tucson)	8.57	.35	.60			
Zone B (30-40 miles from Tucson)	9.07	.35	.60			
Zone C (40-50 miles from Tucson)	9.32	.35	.60			
Zone D (Over 50 miles from Tucson)	10.07	.35	.60			
PLUMBERS; Steamfitters:						
FREE ZONE 0-15 miles The "Free Zone" (Zone I) shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the city limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.	8.10	.50	1.07	1.00	.10	
Zone II (15-30 miles)	8.40	.50	1.07	1.00	.10	
Zone III (30-45 miles)	8.75	.50	1.07	1.00	.10	
Zone IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS (Tucson Area):						
Asbestos; Shingles; Tile and Waterproofing:						
Zone A (0-44 miles from Tucson)	$6.92	.40	.20		.02	
Zone B (Over 44 miles from Tucson)	8.17	.40	.20		.02	
ROOFERS (Phoenix Area)						
Roofers and Waterproofers	7.35	.40	.20		.02	
SHEET METAL WOFKERS:						
Zone Bases - From the Administration Building or City Hall in Flagstaff, Holbrook, Phoenix, Prescott and Yuma):						
Zone I (0-25 miles)	9.02	.40	.56		.02	
Zone II (25-50 miles)	9.67	.40	.56		.02	
Zone III (50 miles and over)	11.52	.40	.56		.02	
SHEET METAL WORKERS:						
Zone Bases - From the Administration Building or City Hall in Douglas and Tucson:						
Zone A (0-17 miles)	7.58	.58	1.15		.01	
Zone B (18-23 miles)	8.03	.58	1.15		.01	
Zone C (24-31 miles)	8.48	.58	1.15		.01	
Zone D (32-43 miles)	9.08	.58	1.15		.01	
Zone E (44 miles and over)	9.53	.58	1.15		.01	
SPRINKLER FITTERS	9.30	.40	.60		.07	
LINE CONSTRUCTION:						
Zone I (Phoenix and Tucson 30 mile radius from center of Town):						
Groundman	7.22	.23	1%+.35		1/2%	
Equipment operators; Powdermen; Mechanics	8.33	.23	1%+.35		1/2%	
Linemen; Technician; Crane operator; Linemen welder	8.85	.23	1%+.35		1/2%	
Cable splicers	9.17	.23	1%+.35		1/2%	
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of Town):						
Groundman	7.84	.23	1%+.35		1/2%	
Equipment operators; Powdermen; Mechanics	8.91	.23	1%+.35		1/2%	
Linemen; Technician; Crane operator; Linemen welder	9.43	.23	1%+.35		1/2%	
Cable splicers	9.78	.23	1%_.35		1/2%	
Zone II (Other Areas)						
Groundman	8.43	.23	1%+.35		1/2%	
Equipment operators; Powdermen; Mechanics	9.49	.23	1%+.35		1/2%	
Linemen; Technicians; Crane Operator; Linemen welder	10.00	.23	1%+.35		1/2%	
Cable splicers	10.30	.23	1%+.35		1/2%	

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder Hwy.; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer.						
CENTRAL and SOUTHERN AREA	$5.86	.50	.60		.06	
NORTHERN AREA	7.485	.50	.60		.06	
GROUP II						
CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy; Lazer beam operator.						
CENTRAL and SOUTHERN AREA	5.97	.50	.60		.06	
NORTHERN AREA	7.595	.50	.60		.06	
GROUP III						
BANDER; CHUCKTENDER (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers.						
CENTRAL and SOUTHERN AREA	6.08	.50	.60		.06	
NORTHERN AREA	7.705	.50	.60		.06	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/signalman (pipeline).						
CENTRAL and SOUTHERN AREA	6.16	.50	.60		.06	
NORTHERN AREA	7.785	.50	.60		.06	

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, undergound tile and conduit); Rock slinger; Scaler (using Bos'ns Chair of safety belt); Tampers (mechanical-all types); Precast manhole erector.						
CENTRAL and SOUTHERN AREA	$6.30	.50	.60		.06	
NORTHERN AREA	7.925	.50	.60		.06	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill doctor and/or air tool repairman; Gunman and mixerman (Gunite); Sandblaster (Nozzleman)						
CENTRAL and SOUTHERN AREA	6.605	.50	.60		.06	
NORTHERN AREA	8.23	.50	.60		.06	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; Powder man; Scaler (drillers); Welders and/or pipelayers installing process piping.						
CENTRAL and SOUTHERN AREA	7.115	.50	.60		.06	
NORTHERN AREA	8.74	.50	.60		.06	
MASON TENDERS						
CENTRAL and SOUTHERN AREA	6.465	.50	.60		.06	
PLASTER TENDERS						
CENTRAL and SOUTHERN AREA	6.78	.50	.60		.06	

LABORERS (cont'd) (TUNNEL and SHAFT WORKERS)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)						
CENTRAL and SOUTHERN AREA	6.055	.50	.60		.06	
NORTHERN AREA	7.68	.50	.60		.06	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic tools (except driller)						
CENTRAL and SOUTHERN AREA	6.19	.50	.60		.06	
NORTHERN AREA	7.815	.50	.60		.06	
GROUP III						
GROUT GUNMAN						
CENTRAL and SOUTHERN AREA	6.29	.50	.60		.06	
NORTHERN AREA	7.915	.50	.60		.06	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher						
CENTRAL and SOUTHERN AREA	6.39	.50	.60		.06	
NORTHERN AREA	8.015	.50	.60		.06	
GROUP IV - A						
MINERS - Tunnel (hand or machine)						
CENTRAL and SOUTHERN AREA	6.59	.50	.60		.06	
NORTHERN AREA	8.215	.50	.60		.06	
GROUP V						
DIAMOND DRILL						
CENTRAL and SOUTHERN AREA	6.725	.50	.60		.06	
NORTHERN AREA	8.35	.50	.60		.06	
GROUP V - A						
SHAFT AND RAISE MINER WELDER						
CENTRAL and SOUTHERN AREA	6.925	.50	.60		.06	
NORTHERN AREA	8.55	.50	.60		.06	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator						
CENTRAL and SOUTHERN AREA	$6.65	.55	.60		.03	
NORTHERN AREA	8.275	.55	.60		.03	
GROUP II						
Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power						
CENTRAL and SOUTHERN AREA	6.98	.55	.60		.03	
NORTHERN AREA	8.605	.55	.60		.03	
GROUP III						
Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment						
CENTRAL and SOUTHERN AREA	7.40	.55	.60		.03	
NORTHERN AREA	9.025	.55	.60		.03	
GROUP IV						
A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator						
CENTRAL and SOUTHERN AREA	7.87	.55	.60		.03	
NORTHERN AREA	9.495	.55	.60		.03	

-POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator						
CENTRAL and SOUTHERN AREA	$8.34	.55	.60		.03	
NORTHERN AREA	9.965	.55	.60		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V-A						
Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator						
CENTRAL and SOUTHERN AREA	$8.61	.55	.60		.03	
NORTHERN AREA	10.235	.55	.60		.03	
GROUP VI						
Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator-with boom attachment; Derrick operator; Fork-lift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator-all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator-all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator-attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-shovel, Backhoe, Dragline, Clam-shell, etc. up to 8 cu. yds.						
CENTRAL and SOUTHERN AREA	8.91	.55	.60		.03	
NORTHERN AREA	10.535	.55	.60		.03	

AQ-1085 P. 17

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII						
Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over						
CENTRAL and SOUTHERN AREA	$9.44	.55	.60		.03	
NORTHERN AREA	11.065	.55	.60		.03	

AQ-1085 P. 18

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
PICKUP; Station wagon; Teamsters						
CENTRAL and SOUTHERN AREA	$6.01	.50	.60		.03	
NORTHERN AREA	7.635	.50	.60		.03	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)						
CENTRAL and SOUTHERN AREA	6.12	.50	.60		.03	
NORTHERN AREA	7.745	.50	.60		.03	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)						
CENTRAL and SOUTHERN AREA	6.28	.50	.60		.03	
NORTHERN AREA	7.905	.50	.60		.03	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y. or less mixer capacity						
CENTRAL and SOUTHERN AREA	6.57	.50	.60		.03	
NORTHERN AREA	8.195	.50	.60		.03	
GROUP V						
BULK CEMENT SPREADER (6 AXLE); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.						
CENTRAL and SOUTHERN AREA	6.70	.50	.60		.03	
NORTHERN AREA	8.325	.50	.60		.03	
GROUP V-A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, retortman or leverman						
CENTRAL and SOUTHERN AREA	6.84	.50	.60		.03	
NORTHERN AREA	8.465	.50	.60		.03	

TRUCK DRIVERS: (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI						
BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer						
CENTRAL and SOUTHERN AREA	$6.95	.50	.60		.03	
NORTHERN AREA	8.575	.50	.60		.03	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)						
CENTRAL and SOUTHERN AREA	7.29	.50	.60		.03	
NORTHERN AREA	8.915	.50	.60		.03	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, incl. pulling water tanks, fuel tank, or other teamsters classifications; Bulk Cement spreader (9 axle); Dump (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (dart, euclid, or other similar end dump types) 16 c.y. and over						
CENTRAL and SOUTHERN AREA	7.705	.50	.60		.03	
NORTHERN AREA	9.33	.50	.60		.03	
HEAVY DUTY MECHANIC/WELDER; Body and Fender man						
CENTRAL and SOUTHERN AREA	8.62	.50	.60		.03	
NORTHERN AREA	10.245	.50	.60		.03	
FIELD EQUIPMENT SERVICEMAN OR FUEL TRUCK DRIVER						
CENTRAL and SOUTHERN AREA	8.36	.50	.60		.03	
NORTHERN AREA	9.985	.50	.60		.03	
HEAVY DUTY MECHANIC/WELDER HELPER						
CENTRAL and SOUTHERN AREA	6.70	.50	.60		.03	
NORTHERN AREA	8.325	.50	.60		.03	

SUPERSEDEAS DECISION

STATE: Connecticut
DECISION NO. AQ-3096
Supersedes Decision No. AQ 3009, dated September 7, 1973 in 38 FR 24479
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4-Stories)

COUNTY: Hartford
DATE: Date of Publication

2-R-CONN - 1 F

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.95					
Carpenters	5.89					
Cement masons	7.09					
Electricians:						
Remainder of County	5.00	.75	.40+.05		½ of 1%	
Berlin, Bristol, New Britain, Plainville, Southington, Newington	5.00	.55	.50+.05		½ of 1%	
Laborers:						
Laborers	4.65					
Mason tenders	5.00					
Asphalt rakers	6.95					
Pipelayers	6.85					
Painters	5.85					
Piledrivermen	8.49					
Plumbers	6.66					
Roofers	6.15					
Roofers' Helpers	5.04					
Sheet metal workers	5.00					
Steamfitters	7.75					
Soft floor layers	5.54					
Tile setters	6.75					
Truck drivers	5.30					
Power Equipment Operators:						
Backhoe	8.86	.30	.50+a	b		
Bulldozer	6.62					
Crane	8.86	.30	.50+a	b		
Gradall	8.86	.30	.50+a	b		
Grader	8.39	.30	.50+a	b		
Loader	8.60	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Pump	8.21	.30	.50+a	b		
Roller	7.95					
Shovel	7.55					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.15 per hour to Supplimental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: Middlesex
DECISION NO.: AQ-3097
DATE: Date of Publication
Supersedes Decision No. AQ-3017, dated October 12, 1973, in 38 FR 28490.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

4-CONN-1-2-3-F (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.12	.55	.53			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo workers, Tile Setters (Building Only)	8.85	.35+.15	.25			
Marble Setters' Helpers, Terrazzo Workers' Helpers, Tile Setters Helpers	7.65	.35	.15+.25			
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway Only)	8.45	.50	.50	e		
Carpenters & Piledrivermen (Hvy & Hwy)	8.60	.50	.30	e	.03	
Carpenters, Soft Floor Layers (Bldg. Only)	8.85	.50	.30		.05	
Electricians:						
Cromwell, Middlefield, Middletown, Portland	8.80	.75	1%+.20		½%	
Remainder of County	9.00	.55	1%+.20		½%	
Elevator Constructors	8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers (Prob.)	4.105					
Glaziers (Outside)	8.71	.52	.47			
Ironworkers: Structural, Ornamental and Reinforcing	9.30	.45	.44		.04	
Lathers:						
Cromwell, East Haddam, East Hampton, Middlefield, Middletown, Portland	9.15	.25	.30		.01	
Remainder of County	8.92	.25	.30		.01	
Lead Burners	8.75	.30		c	.01	
Line Construction:						
Lineman	9.41	.35	1%	d	3/8 of 1%	
Equipment Operator	8.78	.35	1%	d	3/8 of 1%	
Groundman, Truck Driver	6.78	.35	1%	d	3/8 of 1%	
Painters:						
Brush	7.60	.50	.30			
Bridge	8.50	.50	.20			
Spray	10.87	.50	.20			
Piledrivermen (Building Only)	8.12	.35	.20			
Plumbers and Steamfitters:						
Clinton, Westbrook, Killingworth	8.90	.55	.30	f		
Essex, Old Saybrook, Ivoryton, Saybrook	8.75	.20	.20			
Remainder of County, Plumbers	8.87	.5322	.5322		.20	
Remainder of County, Steamfitters	9.30	.57	.57		.13	
Roofers:						
Composition	8.20	.425	.50	.30		
Slate, Tile Precast Concrete	8.70	.425	.50	.30		
Waterproofers	8.20	.425	.50	.30		
Sheet Metal Workers	8.70	.50	.51		.05	
Sprinkler fitters	9.08	.40	.60		.05	

Welders receive rate prescribed for craft performing operation to which welding is incidental.

4-CONN-1-2-3- (2-2)

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. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve. providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Nine (9) paid holidays; A through F, Washington's Birthday and Good Friday plus one (1) floating holiday per year, provided the employee has been employed for at least 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

e. Paid Holidays: A through F plus Good Friday.

f. 2 Paid Holidays: C & D and ½ day Paid Holiday the Friday after Thanksgiving

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

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 $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	8.60	.30	.50 +a	b	.05
Asphalt spreader	8.44	.30	.50 +a	b	.05
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05
Compressor, pump opr.	7.83	.30	.50 +a	b	.05
Fireman, high pressure	7.91	.30	.50 +a	b	.05
Well point system	8.21	.30	.50 +a	b	.05
Compressor battery operator	8.49	.30	.50 +a	b	.05
Oiler	7.54	.30	.50 +a	b	.05
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Crane with 150 ft. boom - additional $.25 per hour					
Crane with 200 ft. boom - additional $.50 per hour					

PAID HOLIDAYS(Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A thru F and Good Friday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		

Paid Holidays (Where applicable);

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes;

a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDEAS DECISION

AQ-3098 P. 2

STATE: Connecticut
COUNTY: New Haven
DECISION NO.: AQ-3098
DATE: Date of Publication
Supersedes Decision No. AQ-3018 dated October 12, 1973, in 38 FR 28494.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

5-CONN-1-2-3-T (1-4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.12	.55	.53			
Boilermakers	8.705	.20	10%		.01	
Bricklayers, cement masons-finishers Marble setters, plasterers, stonemasons terrazzo workers, tile setters (Building Only):						
Devon to the Orange Town Line and the Indian River in Milford	8.90	.35+.15	.50			
Ansonia-Derby	8.62	.50	.50	n		
Meriden	9.00	.40	.25			
Beacon Falls-Middlebury-Mixville-Naugatuck-Prospect-Waterbury-Marion-Wolcott-Thomaston-Woodbury	8.91	.35+.15	.55	m		
Remainder of County	8.95	.35+.15	.50			
Bricklayers, cement masons-finishers, stonemasons (Heavy & Highway Only):						
Milford	8.50	.50	.50	h		
Remainder of County	8.45	.50	.50	h		
Carpenters, soft floor layers, piledrivermen (Building Only):						
Ansonia, Seymour, Derby, Orange Milford and that part of Orange from Orange Center Road west to Milford and the Oyster River	8.80	.50	.50	j		
	8.85	.50	.30	f		
Wallingford-Meriden	8.85	.50	.30		.05	
Chesire-Middlebury-Prospect-Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck-Bethany	8.85	.50	.30	g	.03	
Remainder of County	8.80	.50	.30			
Carpenters, Piledrivermen (Heavy & Highway Only)	8.60	.50	.30	h	.03	
Electricians:						
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott	8.80	.57	1%+.60		1/8 of 1%	
Milford	7.75	.23	1%+.20		½ of 1%	
Remainder of County	9.00	.55	1%+.20		½ of 1%	
Elevator Constructors	8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers (Prob.)	4.105					
Glaziers	5.30	.125	.125			
Glaziers (Wallingford)	8.71	.52	.47			
Ironworkers:						
Structural, Ornamental & Reinforcing	9.30	.45	.44		.04	

5-CONN-1-2-3-T (2-4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lathers:						
Beacon Falls-Bethany-Cheshire-Meriden-Middlebury-Naugatuck-Oxford-Prospect-Southbury-Waterbury-Wolcott	8.75	.25	.15		.01	
Remainder of County	8.92	.25	.30		.01	
Lead Burners	8.75	.30		c	.01	
Line Construction:						
Linemen	9.41	.35	1%	d	3/8 of 1%	
Equipment operator	8.78	.35	1%	d	3/8 of 1%	
Groundman, truck driver	6.78	.35	1%	d	3/8 of 1%	
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.65	.35	.15+.25			
Painters:						
Brush:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	4.75	.12		e		
Milford (Remainder of Township)	7.00	.35	.55	e		
Cheshire-Guilford-Madison-Meridan-Wallingford	7.60	.50	.30			
Milford (Up to Gulf Street)	7.70	.35	.40		.02	
Remainder of County	6.40	.25	.25			
Structural Steel:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		e		
Milford	8.00	.35	.55	e		
Spray:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		e		
Cheshire-Guilford-Madison-Meriden Wallingford	10.875	.50	.20			
Milford (Up to Gulf Street)	10.15	.35	.40			
Remainder of County	9.15	.25	.25			
Commerical & Industrial:						
Middlebury-Naugatuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	7.10	.35	.30			
Bridge:						
Cheshire-Guilford-Madison-Meriden-Wallingford	8.50	.50	.20			
Plumbers & Steamfitters:						
Milford	9.01	.45	.50	.36	.01	
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	9.15	.35	.30	2%	.02	
Middlebury-Southbury-Waterbury-Wolcott-South Britain	8.32	.55+.08	.50	.48+0	.08	
Cheshire-Meriden-Wallingford	9.45	.55	.30	k	.02	
Remainder of County	8.90	.55	.30	l		
Roofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott:						
Composition	8.20	.425	.50	.30		
Slate and tile	8.70	.425	.50	.30		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers (Cont'd)						
Remainder of County:						
Composition, Kettlemen	8.75	.60	.30			
Slate and Tile	9.00	.60	.30			
Slate helpers	8.00	.60	.30			
Sheet Metal workers	8.70	.50	.51		.05	
Sprinkler fitters	9.08	.40	.60		.05	
Waterproofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott	8.20	.425	.50	.30		
Remainder of County	8.75	.60	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the Holiday.

d. Nine (9) Paid Holidays: A through F, Washington's Birthday and Good Friday, plus one (1) floating holiday per year, provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

e. Paid Holidays: C and D; providing the employee works the day before and the day after the holiday.

FOOTNOTES (Cont'd):

f. Paid Holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Paid Holidays: B through E.

h. Paid Holidays: A through F, plus Good Friday.

j. Paid Holidays: C, D and E.

k. Paid Holidays: Labor Day.

l. 2 Paid Holidays C and D and ½ day paid holiday the Friday after Thanksgiving

m. Paid Holidays C and D.

n. Paid Holidays: D and Good Friday.

o. Paid Holidays B and D and ½ day paid holiday the Friday after Thanksgiving and the last working day before Christmas.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Crader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roiler Operator	8.18	.30	.50+a	b		

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

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 $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.86	.30	.50 +a	b	.05
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	8.60	.30	.50 +a	b	.05
Asphalt spreader	8.44	.30	.50 +a	b	.05
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05
Compressor, pump opr.	7.83	.30	.50 +a	b	.05
Fireman, high pressure	7.91	.30	.50 +a	b	.05
Well point system	8.21	.30	.50 +a	b	.05
Compressor battery operator	8.49	.30	.50 +a	b	.05
Oiler	7.54	.30	.50 +a	b	.05
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Crane with 150 ft. boom - additional $.25 per hour					
Crane with 200 ft. boom - additional $.50 per hour					
PAID HOLIDAYS(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTE:					
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.					
b. Seven (7) paid holidays: A thru F and Good Friday.					

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		
Paid Holidays (Where applicable);						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnotes;						
a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.						
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.						
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						

STATE: Florida
DECISION NUMBER: AQ-4070
* Supersedes Decision No. AQ-4007 dated September 7, 1973 in 38 FR 24499.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Alachua
DATE: Date of Publication

1-Florida-1-q (2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$6.68	.25	.15		
Boilermakers	7.50	.40	.90		.02
Bricklayers	7.10				
Carpenters	6.80	.39	.20	.15	.03
Accoustical workers	6.80	.39	.20	.15	.03
Millwrights	7.53	.39	.20	.15	.02
Piledrivermen	6.80	.39	.20	.15	.03
Cement masons	6.15	.18			.02
Electricians:					
Wiremen	6.80	.25	1%		1%
Cable splicers	7.40	.25	1%		1%
Elevator constructors	7.26	.345	.23	2%+a&b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a&b	.015
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	7.35		.10		.01
Ironworkers, structural & ornamental	7.25	.47	.50		
Ironworkers, reinforcing	7.25	.47	.50		
Laborers:					
Unskilled	3.60	.15	.10		
Air tool operator	3.70	.15	.10		
Mortar mixers	3.70	.15	.10		
Pipelayers (concrete & clay)	3.70	.15	.10		
Lathers	5.50				.01
Leadburners	6.90	.30		c	.01
Line Construction:					
Linemen	7.39	.25	1%		1%
Cable spicers	7.59	.25	1%		1%
Winch truck operator	5.91	.25	1%		1%
Heavy equipment operator	7.14	.25	1%		1%
Flat bed pick-up driver	5.21	.25	1%		1%
Groundman, 1st class	4.34	.25	1%		1%
Groundman, 2nd class	3.43	.25	1%		1%
Marble setters	6.20	.15			
Painters:					
Brush	5.65				
Paperhangers	6.10				
Structural steel	6.40				
Spray	6.15				
Sandblasting	6.15				
Roller	6.15				
Swing stage	6.40				
Boatswain's chair	6.40				
Plasterers	6.85	.18			
Plumbers	7.55	.15	.25		.05
Roofers	6.99	.30	.05		
Roofers' helpers & Kettlemen	3.83	.30	.05		
Sheet metal workers	5.75	.30	.25	.70	.025
Soft floor layers	6.65	.39	.20	.15	.03
Sprinkler fitters	8.71	.40	.60		.10
Steamfitters	7.55	.15	.25		.05
Stone masons	7.10				
Terrazzo workers	6.20	.15			
Tile setters	6.20	.15			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credti for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Christmas Eve, 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.

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thansgiving Day; F- Christmas Day.

FLORIDA 1 - PEO-1-u 1 of 2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl oper (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cu yd scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging,), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	$7.33	.35	.30		.05	
Buildozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers	6.29	.35	.30		.05	
Concrete pumps,front end loader (2cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, aspahlt paving machine concrete mixer, tractors, aim compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines	5.48	.35	.30		.05	

FLORIDA -1 - PEO-1-u 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONTD) Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximun width 24"), firemen, self-propelled rollers, well-point pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine	4.51	.35	.30		.05	

*Pending the completion of surveys which will serve as the basis for new area decisions Agencies with projects pending should utilize the project determination procedure by submitting SF-308 for heavy and highway construction projects. See Regulations Part 1 (CFR 29), Section 1.5.

STATE: Florida
DECISION NUMBER: AQ-4071
*Supersedes Decision No. AQ-4041 dated December 14, 1973 in 38 FR 34595.
COUNTY: Duval
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

16-Florida-1-S (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.68	.25	.15			
Boilermakers - Blacksmiths	7.50	.40	.90		.02	
Bricklayers:						
Bricklayers	7.11	.25	.30		.02	
Stonemasons	7.11	.25	.30		.02	
Tile setters	6.19	.25	.30	.53	.02	
Marble masons	6.19	.25	.30	.53	.02	
Terrazzo workers	6.19	.25	.30	.53	.02	
Carpenters:						
Carpenters	6.80	.39	.20	.15	.03	
Millwrights	7.53	.39	.20		.02	
Piledrivermen	6.80	.39	.20	.15	.03	
Soft floor layers	6.80	.39	.20	.15	.03	
Acoustical workers	6.80	.39	.20	.15	.03	
Cement masons	6.03	.25	.10		.01	
Electricians	7.70	.30	1%+5.5%	4%	1%	
Linemen:						
Linemen	7.30	.40	1%		½ of 1%	
Cable splicers	7.50	.40	1%		½ of 1%	
Heavy equipment operators	7.05	.20	1%		½ of 1%	
Winch truck operators	5.69	.40	1%		½ of 1%	
Groundman 1st class	3.95	.40	1%		½ of 1%	
Groundman 2nd class	3.63	.40	1%		½ of 1%	
Elevator constructors	7.26	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	70%JR	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	7.35		.10		.01	
Ironworkers:						
Structural	7.25	.47	.50			
Ornamental	7.25	.47	.50			
Reinforcing	7.25	.47	.50			
Laborers:						
Laborers	4.00	.10				
Mechanical tool, power buggy, pipe-layers & gunnite workers	4.20	.10				
Mason tenders, mortar mixers & grouters	4.30	.10				
Gunnite nozzlemen	4.45	.10				
Lathers	6.30	.25	.10		.025	
Painters:						
Painters, brush	5.70	.15	.15			
Spray	6.225	.15	.15			
Swing stage	6.225	.15	.15			
Structural steel erected	6.225	.15	.15			
Smoke stacks, steeples, flag poles tanks on legs above 15 ft., radio towers & lighthouses	6.985	.15	.15			
Sandblasters	6.225	.15	.15			
Bridge	6.985	.15	.15			
Leadburners	$6.35	.25		c	.01	
Plasterers	6.41	.25	.15		.02	
Plumbers:						
Plumbers	8.00	.30	.35		.06	
Steamfitters	8.00	.30	.35		.06	
Air conditioning & speculative housing & refrigeration service	6.40	.30	.35		.06	
Roofers	6.99	.30			.05	
Roofers' helpers & kettlemen	3.83	.30			.05	
Sheet metal workers	5.75	.30	.25	.70	.025	
Sprinkler fitters	8.71	.40	.60		.10	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately and following the holiday.

PAID HOLIDAYS (WHERE APPLICABLE): A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl oper (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cu yd scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging,), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) locomotive engineer (jobs not covered by railroad unions)	$7.33	.35	.30		.05	
Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers	6.29	.35	.30		.05	
Concrete pumps,front end loader (2cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, aspahlt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines	5.48	.35	.30		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONTD)						
Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximun width 24"), firemen, self-propelled rollers, well-point pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine	4.51	.35	.30		.05	

*Pending the completion of surveys which will serve as the basis for new area decisions, Agencies with projects pending should utilize the project determination procedure by submitting SF-308 for heavy and highway construction projects. See Regulations Part 1 (CFR 29), Section 1.5.

STATE: GEORGIA
DECISION NUMBER: AQ-4068
Supersedes Decision No. AQ-4000 dated 38 FR 19637 July 20, 1973
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTY: Fulton, Cobb and DeKalb
DATE: Date of Publication

60 - Georgia 1-K 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.75	.35	.25		.02	
Boilermakers	7.13	.40	.70		.01	
Bricklayers:						
Bricklayers and stonemasons	7.80	.30	.30		.05	
Marble masons, terrazzo workers and tile setters	8.05	.30	.30			
Carpenters:						
Carpenters and soft floor layers	7.75	.35			.02	
Millwrights	8.45					
Piledrivermen	7.90	.35	.40		.02	
Cement masons	7.10	.35	.55			
Electricians	8.85	6%	7%+1%		4/10of1%	
Elevator constructors	7.81	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.47	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	3.905					
Glaziers	7.00	.40	.20	.25	.015	
Ironworkers:						
Structural, ornamental and reinforcing	7.65	.40	.47		.05	
Lathers	7.10	.20	.10	.50	.04	
Leadburners	7.80	.30		c	.01	
Painters:						
Brush	7.70	.40	.40		.04	
Spray and sandblasting	8.70	.40	.40		.04	
Paperhanging	7.95	.40	.40		.04	
Plasterers	7.52	.35	.55		.03	
Plumbers and steamfitters	8.20	.35	.50		.05	
Roofers:						
Roofers and weatherproofers	5.65	.20	.20			
Slate, tile, asbestos shingles	5.80	.20	.20			
Sheet metal workers	8.00	.35	.25		.04	
Sprinkler fitters	8.20	.40	.60		.07	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than years.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

60 - Georgia LAB D 1-2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group A					
Batch plant men; buggy rollers (Ga.); Cleaners (Brick or Lumber; Clearing or Right of Way and Building Site (hand tools); Concrete Curer-Sealer and Liquid hardner; Conveyor operator (used by tenders of plasterers and bricklayers); Electrician laborer; Excavator; Backfiller grader (hand); Forklift operator, walk type tending bricklayers and plasterers; Form Oiler; Form Stripper; Metal pan handler; Plumber-Laborer; Pipe Doper; Precast Slab Layer (floors, roofs, walks, curbs) Concrete Puddlers; Rail porter; Railroad Track Laborer; Reinforcing steel handler; Scaffolds, and staging for masons and plasterers; Erecting and Removing Scarifyer, concrete (mechanical and hand); Sheeting and shoring laborers, Steam Jennies, (used in cleaning equipment); Tenders (all crafts); Truck Spotter dumper, Winch handler (manual); Wrecking buildings and miscell., structures	$5.05	.20	.20		
Group B					
Bucket-dumpman(concrete); Mixer-mortar, Grout clay, etc. (hand or machine); Power post hole digger; Power cleaning machine operator; Power Wheelbarrow; Mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	5.17	.20	.20		
Group C					
Burner-demolition; Chain saw operator; Power concrete saw operator; Steel form setter; Sewer pipe layer, yarner, wiper, potman; Slip form raiser (steel or wood) jack or screw type	5.27	.20	.20		
Group D					
Wagon Drill Operator, (Track or wheel type), and other equipment used in drilling for blasting	5.35	.20	.20		
Group E					
Powderman-helper	5.55	.20	.20		
Group F					
Powderman, nozzleman(concrete pneumatic)	5.95	.20	.20		

60 - Georgia LAB 2-2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS CONTD:					
Group G					
Caisson holeman	5.80	.20	.20		
Group H					
25¢ Above rate for classification working; Chimney or stacks insolated					

BUILDING CONSTRUCTION

GA.-1-PEO-1 J 1 of 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
Group A						
Backhoe operator; Clamshell operator; Conc. mix operator, Cent. mix plant; Conc. pump operator-Ridley or similar type; Crane operator (truck, tower, crawler or locomotive); Derrick operator; Dragline operator; Drill operator-Caisson foundation type; Elevating grader operator; Forklift operator that comes within the jurisdiction of the operating engineers; Hoisting engine operator; Locomotive operator; Mechanics-heavy duty; Oilers on cranes with earth boring drill attached with a separate power source; Concrete paving mixer operator; Pile driver operator; Rock crusher operator; Shovel operator; Trenching machine operator over 6 ft. depth capacity; Well point system operator (including the operation of all pumps on project operated by the contractor); Generator operator-75 K. VA and over; Tugger hoist operator; Winch truck operator, hoisting material; Air compressor operator, 365 C. F. M. and over, furnishing air simultaneously for more than one contractor	$7.85	.30	.15		.07	
Group B						
Bulldozer operator; Dozer shovel operator; Drill operator-Quarry master type; Fireman-Stationary or portable; Motor grader operator; Motor scraper operator-(pans); Pusher dozer operator; Self-propelled compactor operator, with blade; Tractor operator with special equipment; Trenching machine operator-up to and including 6 ft. depth capacity	7.50	.30	.15		.07	
Group C						
Air compressor operator, 600 cu. ft. and over; Air compressor operator batt. of two, 300 cu. ft. and over; Hydrohammer operator; Concrete batch plant operator;	6.13	.30	.15		.07	
Group D						
Oiler-truck or locomotive cranes	6.48	.30	.15		.07	
Group E						
Oiler-unspecified; Pump operator, over 4", up to batteries of 4; Welding machine operator, batteries of two-300 amps and over	5.58	.30	.15		.07	
Group F						
Concrete mixer operator, skip types, except paving mixers; Concrete finishing machine operator; Concrete paving machine operator; Roller operator; Well drill operator	5.93	.30	.15		.07	

GA.-1-PEO-1 J 2 of 2

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
Group G						
Air compressor operator, up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft.; Conveyor operator, chain or belt type; Sand blasting machine operator; water pump operator 4" or less; Water pump operator over 4" (one only); Welding machine operator, 300 amps and over	4.91	.25	.15		.07	

AQ-4068 P. 7

60 - Georgia - TD - 1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks up to and including 2½ tons tractor, farm types	$4.00					
Trucks from 2½ tons up to and including 5 tons-all low-boys and other trailer pulled by tractor except farm type tractors, with ratings up to and including 5 tons	4.10					
Trucks over 5 tons including all euclids up to and including 10 tons	4.35					
Euclids over 10 tons	4.40					

AQ-4068 P. 8

GA Zone 4 1 of 1

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	8.70	5%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

STATE: Georgia
DECISION NUMBER: AQ-4069
Supersedes Decision No. AQ-4001 dated 38 FR 19634 - July 29, 1973
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Chatham
DATE: Date of Publication

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.15	.30	.28			
Boilermakers	7.13	.40	.70		.01	
Bricklayers:						
Bricklayers and stonemasons	6.85	.20	.20			
Marble masons, terrazzo workers, and tile setters	5.00					
Carpenters:						
Carpenters and soft floor layers	6.70	.35				
Millwrights	7.20	.35				
Piledrivermen	6.95	.35				
Cement masons	6.00					
Electricians:						
Electricians	7.00	.30	20 + 1%		.2%	
Cable splicers	7.25	.30	20 + 1%		.2%	
Elevator constructors	5.80	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	4.06	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	2.90					
Glaziers	5.60					
Ironworkers:						
Structural and sheeter	7.00	.40	.30		.01	
Ornamental and reinforcing	7.00	.40	.30		.01	
Lathers	5.00					
Painters:						
Brush	5.90					
Rollers	5.90					
Steel, brush	6.40					
Tapers	6.15					
Stage work and window jack work	6.40					
Paperhangers	6.15					
Paint burners	6.15					
Spray painting and sandblasting	6.65					
Plasterers	4.875	.25				
Plumbers and Pipefitters:						
Plumbing, heating & piping contracts; $2,000 or less	6.80	.35	.40		.02	
Over $2,000	7.45	.35	.40		.02	
Air conditioning mechanics:						
Contracts, $2,000 or less	6.80	.35	.40		.02	
Contracts, over $2,000	7.45	.35	.40		.02	
Roofers	3.00					
Sheet metal workers	6.65			.15		
Sprinkler fitters	8.20	.40	.60		.07	
Truck Drivers:						
Pick-ups and all other trucks up to and including 2½ tons, tractor-farm type	4.20					
Trucks from 2½ tons up to and incldg. 5 tons. All low-boys and other trailers pulled by tractor with ratings up to and including 5 tons (except farm type tractors) forklift	4.30					
Truck over 5 tons including all euclids up to and including 10 tons	$4.55					
Euclids over 10 tons	4.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
GROUP A:						
Air compressors, batch plant, bulldozers, fork tractors, mixers, endloader, scrapers, patrol and tuggers	$6.65	.35	.35		.02	
GROUP B:						
Crane, drrrick, draglines, side-booms, cherry pickers, mechanics, piledrivers, backhoes, concrete pump	7.25	.35	.35		.02	
GROUP C:						
Distributors, finishing machines, rollers, plain tractors, firemen	6.40	.35	.35		.02	
GROUP D:						
Master mechanic	7.75	.35	.35		.02	
GROUP E:						
Pump operators	6.30	.35	.35		.02	
GROUP F:						
Trenching machine, small backhoe	6.85	.35	.35		.02	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP A:						
General laborers	$3.55	.15	.10			
GROUP B:						
Air tool vibrator operator, operators of jackhammer, tamp, paving breaker, chipping hammer, spade, chain saw, motorized buggies. Mason tenders, cement mason tenders, terrazzo helpers, railroad or track laborers, walk behind compactor or roller plasterer and carpenter tenders	3.70	.15	.10			
GROUP C:						
Mortar mixers, (hand or machine), pipelayers	3.80	.15	.10			
GROUP D:						
Burner (torch) on demolition work, track or wagon drills used in blasting	4.05	.15	.10			
GROUP E:						
Powderman or blaster	4.55	.15	.10			

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$2.75					
Cement masons	2.15					
Electricians	6.80	.30	1%		.2%	
Ironworkers, structural	4.45					
Laborers:						
Unskilled	1.60					
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truck Drivers:						
Up to 2½ tons	1.60					
Over 2½ tons	2.07					
Welders	2.50					

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin

DECISION NUMBER: AQ-3095 DATE: Date of Publication

Supersedes Decision No. AP-4 dated July 21, 1972 in 37 FR 14670

DESCRIPTION OF WORK: Dredging on the Great Lakes, their connecting and tributory waters, including the Illinois Waterway to the lock at Lockport, Illinois, and in the New York State Barge Canal System between Tonawanda, New York, and Waterford, New York, and Oswego, New York and on the St. Lawrence River eastward to the International Boundry near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$8.94	.25	.15	a		
Operators	8.88	.25	.15	a		
Assistant engineers	8.55	.25	.15	a		
Firemen, oilers	6.89375	b4.00	.35	a		
Welder	8.46	.25	.15	a		
Deckhands	6.80375	b4.00	.35	a		
Scowman	6.80375	b4.00	.35	a		
Pipe line men	6.80375	b4.00	.35	a		
Cranemen - Dipper Dredging	8.46	.25	.15	a		
Spill barge operator - hydraulic dredging	8.46	.25	.15	a		
DRILL BOATS						
Engineers	8.43	.25	.15	c		
Blasters	8.55	.25	.15	c		
Firemen	8.11	.25	.15	c		
Drillers, welders or machinists	8.44	.25	.15	c		
Oiler & helpers	7.94	.25	.15	c		
TUG ENGINEERS AND OPERATORS	7.525		.50	a		
TUG FIREMEN, LINEMEN AND OILERS	6.905	b4.00	.35	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineers & operator	9.55f			d & e		
Equipment operator	8.71f			d & e		
Firemen	8.26f			d & e		
Oilers	7.37f			d & e		
ENGINEER HELPERS, RANGEMEN, RODMEN SWEEPERS:						
Engineer helpers, rangmen, rodmen or sweepmen	5.03	b4.00		a		
Service truck drivers	5.40	b4.00		a		

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. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $1.15 in fringe benefits.

STATE: Kentucky
DECISION NUMBER: AQ-4075
Supersedes Decision No. AQ-4025 dated October 19, 1973 in 38 FR 29175
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: See below*
DATE: Date of Publication

2-KY-3-b (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
*Counties: Adair, Barren, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Hart, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Menifee, Metcalfe, Monroe, Owsley, Powell, Pulaski, Rockcastle, Russel, Taylor, Wayne, Whitley, & Wolfe						
Heavy and Highway Construction						
Bricklayers	$6.93	.25	.25			
Carpenters	5.71	.20	.25	.15		
Cement Masons	6.44	.20	.25	.15		
Electricians:						
Electricians - Linemen (outside)	9.20	.30	1%		.0025	
Cable Splicers (outside)	9.45	.30	1%		.0025	
Groundman:						
1st 6 mos.	50%a	.30	1%		.0025	
2nd 6 mos.	60%a	.30	1%		.0025	
3rd 6 mos.	65%a	.30	1%		.0025	
4th 6 mos.	70%a	.30	1%		.0025	
Over 2 years	75%a	.30	1%		.0025	
Ironworkers, Structural, Ornamental, & Reinforcing	6.49	.20	.25	.15	.03	
Painters:						
Brush	7.20					
Roller	7.20					
Spray	7.20					
Piledrivermen	5.96	.20	.25	.15		
Plumbers & Pipefitters	9.10	.25	.45			
Sheet Metal Workers	9.06	.52	.42			
Welders - receive rate for craft in which welding is incidental						

Footnote:
a. Percentage of Lineman rate

Kentucky 2-LAB-3-d (1-1)

Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Laborers	$4.35	.20	.25	.15	
Hand Blade Operator & Batch Truck Dumpers	4.45	.20	.25	.15	
Deckhand or Scow Men	4.48	.20	.25	.15	
Power-Driven Tools: Wagon Drills, Jackhammers, Chain Saw, Concrete Saws, Sewer Pipe Layers, Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Sandblaster and Concrete Chipper, Vibrator Operators, Power Wheelbarrow and Power Buggy	4.65	.20	.25	.15	
Asphalt Lute & Raker Men	4.77	.20	.25	.15	
Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply; Side Rail Setters	4.80	.20	.25	.15	
Gunnite Nozzle Men; Tunnel Laborers (Free Air)	4.90	.20	.25	.15	
Gunnite Operator	4.91	.20	.25	.15	
Tunnel Muckers (Free Air)	5.00	.20	.25	.15	
Tunnel Miners & Blasters & Drillers (Free Air)	5.33	.20	.25	.15	
Caisson Workers	5.90	.20	.25	.15	

Kentucky-2-TD-3-C (1-1)

Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers: Truck Helper	$4.71	.20	.25	.15	
Driver, Winch Truck and A-Frame Truck when used in transporting materials; Greaser on greasing facilities; Tire Changer and Mechanic Helper; Driver, 3 tons and under	4.83	.20	.25	.15	
Driver, Over 3 tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer	4.94	.20	.25	.15	
Driver on Mixer Trucks (all types)	4.98	.20	.25	.15	
Truck Mechanic	5.01	.20	.25	.15	
Driver, Euclid and Other Heavy Earthmoving Equipment and Low Boy; Driver on Pavement Breakers	5.11	.20	.25	.15	

Kentucky 2-PEO- 3-c (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators: Class A Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Pump, Concrete Mixer (21 cu. ft. or over), Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (Regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, LaTourneau or Carry-All Scoop, Bulldozer, Mechanic, Orangepeel, Bucket, Piledriver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (Regardless of Lift Height), All Types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Material Pump, Pumpcrete, Ross Carrier, Sheep Foot, Side Boom Throttle- Valve Man, Rotary Drill, Power Generator, Mucking Machine, Rock Spreader Attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German and other types), Hydrocrane, Tugger, Backfiller Gurries, Subgrader, Electric Vibrator Compactor, Welderburner	$6.98	.20	.25	.15		
Class B All Air Compressors (200 cu. ft. per min or greater capacity), Bituminous Mixer, Concrete Mixer (Under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 H.P. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Boom Type Tamping Machine, Truck Crane Oiler, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-propelled Compactor, Tractair and Road Widening Trencher, Greaser on Grease Facilities Servicing Heavy Equipment, Firemen	5.53	.20	.25	.15		

Highway Construction:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Class C						
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (Earth, Tamping Machine, Tractors (under 50 H. P.), Vibrator, Oiler, Air Compressors (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, Hydraulic Post Driver	4.88	.20	.25	.15		

Heavy Construction:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Class A Operators:					
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal Loader, tower cranes (French, German & other types), hydrocrane, backfiller, qurries, subgrader	$7.60	.25	.25		
Class B Operators:					
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist)	6.11	.25	.25		

KENTUCKY 1-PEO-2 C (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy Construction:					
Power Equipment Operators:					
Class C Operators:					
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver	$5.67	.25	.25		

STATE: Kentucky
DECISION NUMBER: AQ-4076
Supersedes Decision No. AQ-4026 dated October 19, 1973 in 38 FR 29179
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: See below*
DATE: Date of Publication

6-KY-3-b (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
*Counties: Breathitt, Floyd, Knott, Letcher, Magoffin, Martin, Perry, and Pike.						
Highway Construction						
Bricklayers	$6.93	.25	.25			
Carpenters	5.71	.20	.25	.15		
Cement Masons	6.44	.20	.25	.15		
Electricians:						
Electricians - Linemen (outside)	9.20	.30	1%		.0025	
Cable Splicers (outside)	9.45	.30	1%		.0025	
Groundman:						
1st 6 mos.	50%a	.30	1%		.0025	
2nd 6 mos.	60%a	.30	1%		.0025	
3rd 6 mos.	65%a	.30	1%		.0025	
4th 6 mos.	70%a	.30	1%		.0025	
Over 2 years	75%a	.30	1%		.0025	
Ironworkers, Structural, Ornamental, & Reinforcing	6.49	.20	.25	.15	.03	
Painters:						
Brush	7.20					
Roller	7.20					
Spray	7.20					
Piledrivermen	5.96	.20	.25	.15		
Plumbers & Pipefitters	9.10	.25	.45			
Sheet Metal Workers	9.06	.52	.42			
Welders - receive rate for craft in which welding is incidental						

Footnote:
a. Percentage of Lineman rate

Kentucky 2-LAB-3-d (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Laborers	$4.35	.20	.25	.15	
Hand Blade Operator & Batch Truck Dumpers	4.45	.20	.25	.15	
Deckhand or Scow Men	4.48	.20	.25	.15	
Power-Driven Tools: Wagon Drills, Jackhammers, Chain Saw, Concrete Saws, Sewer Pipe Layers, Bottom Men, Dry Cement Handlers, Concrete Rubbers, Mason Tenders, Sandblaster and Concrete Chipper, Vibrator Operators, Power Wheelbarrow and Power Buggy	4.65	.20	.25	.15	
Asphalt Lute & Raker Men	4.77	.20	.25	.15	
Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply; Side Rail Setters	4.80	.20	.25	.15	
Gunnite Nozzle Men; Tunnel Laborers (Free Air)	4.90	.20	.25	.15	
Gunnite Operator	4.91	.20	.25	.15	
Tunnel Muckers (Free Air)	5.00	.20	.25	.15	
Tunnel Miners & Blasters & Drillers (Free Air)	5.33	.20	.25	.15	
Caisson Workers	5.90	.20	.25	.15	

Kentucky-2-TD-3-C (1-1)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Truck Helper	$4.71	.20	.25	.15	
Driver, Winch Truck and A-Frame Truck when used in transporting materials; Greaser on greasing facilities; Tire Changer and Mechanic Helper; Driver, 3 tons and under	4.83	.20	.25	.15	
Driver, Over 3 tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer	4.94	.20	.25	.15	
Driver on Mixer Trucks (all types)	4.98	.20	.25	.15	
Truck Mechanic	5.01	.20	.25	.15	
Driver, Euclid and Other Heavy Earthmoving Equipment and Low Boy; Driver on Pavement Breakers	5.11	.20	.25	.15	

Kentucky 2-PEO- 3-c (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Class A						
Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Pump, Concrete Mixer (21 cu. ft. or over), Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (Regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, LaTourneau or Carry-All Scoop, Bulldozer, Mechanic, Orangepeel, Bucket, Piledriver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (Regardless of Lift Height), All Types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Material Pump, Pumpcrete, Ross Carrier, Sheep Foot, Side Boom Throttle- Valve Man, Rotary Drill, Power Generator, Mucking Machine, Rock Spreader Attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German and other types), Hydrocrane, Tugger, Backfiller Gurries, Subgrader, Electric Vibrator Compactor, Welderburner	$6.98	.20	.25	.15		
Class B						
All Air Compressors (200 cu. ft. per min or greater capacity), Bituminous Mixer, Concrete Mixer (Under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 H.P. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Boom Type Tamping Machine, Truck Crane Oiler, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-propelled Compactor, Tractair and Road Widening Trencher, Greaser on Grease Facilities Servicing Heavy Equipment, Firemen	5.53	.20	.25	.15		

Highway Construction:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Class C						
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (Earth, Taiping Machine, Tractors (under 50 H. P.), Vibrator, Oiler, Air Compressors (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, Hydraulic Post Driver	4.88	.20	.25	.15		

Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters	$3.40					
Cement Masons	3.25					
Electricians	4.35					
Ironworkers						
Structural & ornamental	3.75					
Reinforcing	3.75					
Laborers:						
Unskilled	2.00					
Air Tool Op. (Jackhammer, Vibrator)	2.25					
Painters, brush	3.00					
Truck Drivers:						
3-ton & under	2.25					
Over 3-ton	3.50					
Power Equipment Operators:						
Air Compressors	2.75					
Bulldozers	3.50					
Cranes, derricks, draglines	3.50					
Motor graders	3.50					
Blade graders	3.50					
Oilers	2.75					
Pumps	2.75					
Rollers	3.50					
Backhoe	3.75					
Scrapers	3.50					
Shovels	3.75					
Tractors	2.75					
Trenching Machines	3.50					

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Statewide (Except Douglas and Sarpy)

DECISION NUMBER: AQ-80 DATE: Date of Publication

Supersedes Decision No. AP-525 dated April 13, 1973 in 38 FR 9413

DESCRIPTION OF WORK: Construction, alteration and repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of highway 109)						
Carpenters	$4.20					
Carpenters helper	3.40					
Cement Finisher	4.25					
Concrete Saw Operator	3.25					
Form Setter (road)	4.20					
Form Setter (structures)	3.25					
Laborer	2.90					
Manhole Builder	3.30					
Painter	3.15					
Pile Driver Leadsman	3.10					
Power Equipment Operators:						
All Purpose Spreader	3.60					
Asphalt Distributor	3.65					
Asphalt Distributor helper	3.10					
Asphalt Heaterman	3.20					
Asphalt Paving Machine	4.30					
Asphalt Paving Machine Screedman	3.40					
Stationary Plant (based or stabilization)	3.50					
Stationary Plant (aspalt or concrete)	4.25					
Beginner Operator	3.55					
Bulldozer:						
Less than 115 Drawbar H.P.	4.00					
115 Drawbar H.P. and over	4.25					
Cement Handler	3.15					
Clamshell, Dragline, Backhoe, crane, Pile Driver or Shovel	4.20					
Concrete mixer	3.15					
Concrete Paver	4.00					
Slip Form Paver	4.35					
Concrete Finishing Machine and Spreader	4.10					
Conveyor	3.15					
Crusher (incl. those with integral screening plant)	4.20					
Dredge Pump Under 10"	3.50					
Dredge Pump 10" & Over	4.00					
Fireman (boiler)	3.20					
Front End Loader:						
3½ cu. yds. or less	3.95					
Over 3½ cu. yds.	4.05					
Mechanic	4.45					
Mechanic Helper	3.75					
Motor Grader	4.25					

Statewide (except Cass, Douglas, Sarpy, Washington, and that portion of Saunders County, East of Highway 109)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Oiler or Greaser	$3.50					
Roller, Self-Propelled (hot mix)	3.90					
Roller or Compactor, self-propelled (other)	3.75					
Scraper Under 16 cu. yds.	3.80					
Scraper 16 cu. yds. and over	4.00					
Power Grade Machine (trimmer)	4.25					
Tractor:						
Farm type (towing)	3.00					
Farm type (with attachments)	3.40					
Less than 115 Drawbar H.P.	4.00					
115 Drawbar H.P. & over	4.10					
Traveling Plant (stabilization)	3.80					
Traveling Plant helper (stabilization)	3.15					
Trenching Machine	3.70					
Truck Drivers:						
Single Axle	3.00					
Tandem Axle	3.25					
Semitrailer	3.35					
Transit Mix	3.50					
Lowboy	3.60					
Welder	4.15					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cass, Washington, and that portion of Saunders County, East of Highway 109						
CARPENTERS:						
Carpenters	7.01	.25	.25	.20	.02	
Piledrivermen	7.135	.25	.25	.20	.02	
CEMENT FINISHER	7.03	.25	.25			
IRONWORKERS: Reinforcing and Structural	6.78	.20	.20			
LABORERS:						
Common Laborer	5.25	.25	.25	.10	.02	
Towboat & Dredge Deckhands	5.35	.25	.25	.10	.02	
Form Setter Helpers	5.45	.25	.25	.10	.02	
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	5.43	.25	.25	.10	.02	
Pipelayers; Concrete Saw Operator	5.50	.25	.25	.10	.02	
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	5.88	.25	.25	.10	.02	
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	5.18	.25	.20			
Oiler Driver	5.23	.25	.20			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	5.88	.25	.20			
Spread Oiler (after one year's experience in classification)	5.88	.25	.20			
Concrete Mixer; Concrete Pump; Hydro-Hammer	5.78	.25	.20			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Traxcavator; Roller; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	6.08	.25	.20			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35 HP; DW-21 over 35 HP; DW-10	6.23	.25	.20			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plat; Leverman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	6.38	.25	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cass, Washington, and that portion of Saunders County, East of Highway 109						
TRUCK DRIVERS:						
Single Axle Trucks	$5.43	.25	.20			
Tandem Axle Trucks; Power Lift Form Trucks; Euclid Trucks & Spreader Trucks	5.49	.25	.20			
Lowboys & Tractor-Trailers	5.62	.25	.20			
Lumber Carrier	5.79	.25	.20			

SUPERSEDEAS DECISION

STATE: Nevada

COUNTY: Clark (excluding the Nevada Test Site)

DECISION NUMBER: AQ-1081

DATE: Date of Publication

Supersedes Decision #AP-290 dated April 6, 1973, in 38 FR 8914

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.99	.71	.65		.01
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons	8.17	.20		1.00	.01
CARPENTERS:					
Carpenters	7.16	.45	.60	.80	.10
Hardwood Floorlayers; Patent Scaffolds Erectors; Power Saw Operators	7.31	.45	.60	.80	.10
Piledrivermen	7.36	.45	.60	.80	.10
Millwrights	7.46	.45	.60	.80	.10
CEMENT MASONS:					
Cement Masons	6.90	.50		1.60	.08
Cement Floor Finishing Machine; Color Work	7.15	.50		1.60	.08
ELECTRICIANS:					
Electricians; Technicians	10.23	.43	1%		.05
Cable Splicers	10.56	.43	1%		.05
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.35				.01
IRONWORKERS:					
Fence Erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
LATHERS	7.15	.35		1.00	.01
MARBLE MASONS; Terrazzo Workers; Tile Setters	8.17	.20		1.00	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Roller	$8.23	.32	.25		.02
Paperhangers; Sandblasters; Spray; Steel; Swing Stage; Tapers	8.48	.32	.25		.02
PLASTERERS	8.08	.50		.90	.05
PLUMBERS; Steamfitters	8.40	.45	.90	1.60	.06
ROOFERS	9.13	.30			
SHEET METAL WORKERS	9.50	.58	1.15		.03
SOFT FLOOR LAYERS	8.82	.40			.01
SPRINKLER FITTERS	11.30	.40	.60		.07

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$5.60	.26	.60	1.00	
GROUP 2:	5.65	.26	.60	1.00	
GROUP 3:	5.68	.26	.60	1.00	
GROUP 4:	5.70	.26	.60	1.00	
GROUP 5:	5.72	.26	.60	1.00	
GROUP 6:	5.73	.26	.60	1.00	
GROUP 7:	5.75	.26	.60	1.00	
GROUP 8:	5.78	.26	.60	1.00	
GROUP 9:	5.79	.26	.60	1.00	
GROUP 10:	5.81	.26	.60	1.00	
GROUP 11:	5.86	.26	.60	1.00	
GROUP 12:	5.89	.26	.60	1.00	
GROUP 13:	5.91	.26	.60	1.00	
GROUP 14:	5.94	.26	.60	1.00	
GROUP 15:	5.96	.26	.60	1.00	
GROUP 16:	6.025	.26	.60	1.00	
GROUP 17:	6.05	.26	.60	1.00	
GROUP 18:	6.12	.26	.60	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
GROUP 1:	7.13	.75	1.50	.30	.02
GROUP 2:	7.37	.75	1.50	.30	.02
GROUP 3:	7.61	.75	1.50	.30	.02
GROUP 4:	7.72	.75	1.50	.30	.02
GROUP 5:	7.91	.75	1.50	.30	.02
GROUP 6:	8.01	.75	1.50	.30	.02
GROUP 7:	8.11	.75	1.50	.30	.02
GROUP 8:	8.25	.75	1.50	.30	.02
GROUP 9:	8.35	.75	1.50	.30	.02
TRUCK DRIVERS					
GROUP 1:	7.20	.25	.30		
GROUP 2:	7.31	.25	.30		
GROUP 3:	7.36	.25	.30		
GROUP 4:	7.52	.25	.30		
GROUP 5:	7.70	.25	.30		
GROUP 6:	8.20	.25	.30		

GROUP 1: 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

GROUP 2: Cutting Torch Op. (demolition); Tarman and Mortar Man, Kettleman, Potman and Man applying asphalt, Lay-Kold Creosote, Lime and similar type materials

GROUP 3: Guinea Chaser

GROUP 4: Fine Grader, highway and street, paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

GROUP 5: Laborers-packing rod steel and pans

GROUP 6: Underground Laborer including Caisson Bellowers

GROUP 7: Chucktender (except tunnels); Scaler; Tank Scaler and Cleaner

GROUP 8: Cesspool Digger and Installer

GROUP 9: Concrete Curer-Impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all Non-metallic Pipe Joints

GROUP 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, Hand propelled Trenching Machines, Impact Wrench multi-plate and similar Mechanical Tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger Mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, Cutting, Scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot tender and form man; Op. of Cement Grinding Machine; Roto-scraper; Tree Climber, Faller, Chain Saw Op., Pittsburgh Chipper and similar type Brush Shredders

GROUP 11: Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or Power Tools)

GROUP 12: Driller and/or Pavement Breaker

GROUP 13: Oversize Concrete Vibrator Op., 70 lbs. and over; Laying of all Non-metallic Pipe, including Sewer Pipe, Drain Pipe and Underground Tile

GROUP 14: Gas and Oil Pipeline Wrapper - 6 inch Pipe and over

GROUP 15: 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 and placing

GROUP 16: Steel Headboardman

GROUP 17: Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 and similar type drills

GROUP 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor Op.; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

GROUP 2: Concrete Mixer Op., Skip type; Conveyor Op.; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Op., 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

GROUP 3: A-Frame or Winch Truck; Elevator Op. (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

GROUP 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and 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.)

GROUP 5: 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

POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 6: 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 Op. (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); 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.)

GROUP 7: 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 Op. (single engine); Multiple Engine Tractor Op. (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving (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 Op. (Crawler and Wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds. MRC); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

GROUP 8: 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)

GROUP 9: 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)

TRUCK DRIVERS

GROUP 1: Dumps, (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and fuel (under 2500 gals.); Pickups; Service; Teamster equipment (highest rate paid for dual craft operation); Truck repairmen helper; Busses, on job site used for transportation of up to 25 passengers

GROUP 2: Dumps, (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Gas and oil pipeline working trucks, (incl. winch and all sizes); Water and fuel, (2500 gals. to 4000 gals.); Greaser and Tireman; Busses, on job site used for transportation of more than 25 passengers; Road oil spreading by truck drivers; Time spent spreading oil

GROUP 3: Transit-mix, (under 3 yds.); Dumpcrete, less than 6½ yds.

GROUP 4: Dumps, (16 yds. and up to and incl. 22 yds.); Trucks (legal payload capacity, 20 tons but less than 30 tons); Euclid-type spreader; Dumpster; Transit-mix, (3 yds., but less than 6 yds.); Dumpcrete, (6½ yds. and over); Fork lift; Ross Carrier -- Highway; Water and fuel, 4000 gals. but less than 6000 gals.

GROUP 5: Transit-mix, (6 yds. or more); Repairman; Dumps, (over 22 yds.); Trucks,(legal payload capacity 20 tons and over); Water and fuel (6000 gals. and over)

GROUP 6: DW and similar type equipment; DW 10's and 20's (Euclid type equipment, LeTourneau Pulls, Terra Cobras and similar type equipment, also PB and similar type trucks when performing work within Teamsters jurisdiction, regardless of types of attachment including power units pulling Off Highway Belly Dumps in Tandem

SUPERSEDEAS DECISION

STATE: Nevada
COUNTY: Washoe
DECISION NUMBER: AQ-1082
DATE: Date of Publication
Supersedes Decision #AP-269 dated March 16, 1973, in 38 FR 7190
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
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:					
Carpenters	6.90	.50	.70	.90	.03
Hardwood Floorlayers; Power Saw Op.; Shinglers; Patent Scaffold Erectors	7.05	.50	.70	.90	.03
Piledrivermen	7.10	.50	.70	.90	.03
Millwrights	7.20	.50	.70	.90	.03
CEMENT MASONS:					
Cement Masons	7.20	.50	.40	1.00	.01
Mastic, Magnesite and all Composition Masons; Troweling Machine	7.45	.50	.40	1.00	.01
DRYWALL INSTALLERS	7.15	.50	.70	.90	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Electricians	$9.09	.53	1%+.25		.03
Cable Splicers	10.00	.53	1%+.25		.03
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.77	.25	.55	8%	
IRONWORKERS:					
Fence Erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
LATHERS	7.71	.40	.10	1.00	.01
PAINTERS:					
Brush	7.70	.30	.20	.40	
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	7.95	.30	.20	.40	
PLASTERERS	7.85	.50	.60		
PLASTERERS' TENDERS	7.30	.45	.45		
PLUMBERS; Steamfitters	7.85	.53	.60	1.95	.07
ROOFERS	8.10	.25	.05		.02
SHEET METAL WORKERS	8.38	.69	1.35	10%	.03
SOFT FLOOR LAYERS	8.35	.30	.20		
SPRINKLER FITTERS	11.30	.40	.60		.07
TERRAZZO WORKERS; TILE SETTERS:					
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

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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.

AREA (1) That area within 25 mi. radius of the Reno City Hall
AREA (2) Remaining area outside of the 25 mi. radius of Reno City Hall

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA (1)	AREA (2)				
Truck Drivers:						
All Dump Trucks (single or multiple dump units incl. semi's and double and transfer units);						
Under 4 yds. (water level)	$5.40	$6.15	.41	.25	.25	
4 yds. and under 8 yds. (water level)	5.60	6.35	.41	.25	.25	
8 yds. and under 18 yds. (water level)	5.80	6.55	.41	.25	.25	
18 yds. and under 35 yds. (water level)	5.95	6.70	.41	.25	.25	
35 yds. and under 60 yds. (water level)	6.20	6.95	.41	.25	.25	
60 yds and over	6.35	7.10	.41	.25	.25	
Transit Mix:						
Under 8 yds.	5.80	6.55	.41	.25	.25	
8 yds. and incl. 12 yds.	5.90	6.65	.41	.25	.25	
Over 12 yds.	6.10	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.	5.60	6.35	.41	.25	.25	
2,500 gals. and over	5.70	6.45	.41	.25	.25	
Semi Trailers	5.80	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 and/or Grease Tank Trailers, or other misc. trailers	5.95	6.70	.41	.25	.25	
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	5.70	6.45	.41	.25	.25	
Bootman, combination Bootman and Road Oiler	5.85	6.60	.41	.25	.25	
Road Oil Truck or Bootman	5.55	6.30	.41	.25	.25	
Flat Rack (single unit) (2 axle unit)	5.45	6.20	.41	.25	.25	
Flat Rack (single unit) (3 axle unit)	5.55	6.30	.41	.25	.25	

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
Truck Drivers: (cont'd)	AREA (1)	AREA (2)				
Bus and Manhaul Drivers:						
up to 18,000 lbs. (single unit)	$5.45	$6.20	.41	.25	.25	
18,000 lbs and over (single unit)	5.55	6.30	.41	.25	.25	
Helicopter Pilot (when transporting men or materials)	6.35	7.10	.41	.25	.25	
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	5.65	6.40	.41	.25	.25	
Winch Truck and "A" Frame Drivers:						
Under 18,000 lbs.	5.55	6.30	.41	.25	.25	
18,000 lbs. and over	5.65	6.40	.41	.25	.25	
Warehousemen Spotters Teamsters	5.35	6.10	.41	.25	.25	
Tire Repairman	5.65	6.40	.41	.25	.25	
Truck Repairman	6.10	6.85	.41	.25	.25	
Pick-up Truck and Pilot Cars (job site)	5.45	6.20	.41	.25	.25	
Truck Oiler and Greaser, Fuel Truck Driver, Fuel Man and Fuel Island Man	5.55	6.30	.41	.25	.25	

AQ-1082 P. 5

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$6.05	.40	.30		
GROUP 2:	5.90	.40	.30		
GROUP 3:	5.80	.40	.30		
GROUP 4:	6.15	.40	.30		
GROUP 5:	6.30	.40	.30		
GROUP 6:	6.60	.40	.30		
GROUP 6-A:	6.30	.40	.30		
GROUP 6-B:	5.95	.40	.30		

AQ-1082 P. 6

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA 1	AREA 2	H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$6.64	$7.64	.73	1.00	.65	.31
GROUP 2:	6.95	7.95	.73	1.00	.65	.31
GROUP 3:	7.11	8.11	.73	1.00	.65	.31
GROUP 4:	7.53	8.53	.73	1.00	.65	.31
GROUP 5:	7.70	8.70	.73	1.00	.65	.31
GROUP 6:	7.79	8.79	.73	1.00	.65	.31
GROUP 7:	7.94	8.94	.73	1.00	.65	.31
GROUP 8:	8.24	9.24	.73	1.00	.65	.31
GROUP 9:	8.42	9.42	.73	1.00	.65	.31
GROUP 10:	8.61	9.61	.73	1.00	.65	.31
GROUP 11:	8.84	9.84	.73	1.00	.65	.31
GROUP 11-A:	9.71	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.

GROUP 1: Asphalt Workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer under ½ yds.; Concrete Pan Work (bread pan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb Setter (precast or cut); Ditching machine (hand-guided); Drillers Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls; Windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and men applying asphalt, creosote and similar type amterials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric) Post Driver; Riprap-stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and Signaling in connection with laborers work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

GROUP 2: 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 1; 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 1)

GROUP 3: All cleanup work of debris, grounds, and building including windows and tile; Dumpman or spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, brushloader and piler

GROUP 4: Burning and welding in connection with laborers work

GROUP 5: Joy Drill Model TWM-2A, Gardner Denver Model DN 143 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 Op.: Heavy duty Vibrator with stinger 5" diameter or over; Pipelayer; Caulker and bander; Pipelayer-waterline, sewerline, gasline, conduit; Asphalt Rakers

GROUP 6: Nozzleman, Rodman

GROUP 6-A: Gunman, Materialman

GROUP 6-B: Reboundman

POWER EQUIPMENT OPERATORS AREAS I & II
(Except Piledriving and Steel Erection)

GROUP 1: 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

GROUP 2: Compressor (electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (truck crane); Pump; Tar Pot Fireman (power agitated)

GROUP 3: 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 Op. (concrete plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)

GROUP 4: 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

GROUP 5: 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

GROUP 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; 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

GROUP 7: 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 of 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)

POWER EQUIPMENT OPERATORS AREAS I & II (cont'd)
(Except Piledriving and Steel Erection)

GROUP 8: 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 incl. 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 incl. 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

GROUP 9: Canal Finger Drain Digger; Chicago Boom combination backhoe and loader (up to and incl. 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)

GROUP 10: Boom-type Backfilling Machine; Backhoe (hydraulic); Backhoe (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 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work) Euclid Loader similar types; Grade-alls (up to and incl. 1 cu. yd.); Heavy Duty Rotary Drills Rigs (incl. Caisson foundation work and ribbons type drills); Lift-slab (Vagtborg and similar types); Loader (over 2½ yds. up to and incl. 4 yds.); Locomotive (over 100 tons)(single or multiple units); Motor Patrol Op.; Multiple engine Earth Moving Machines (Euclids, Dozers, etc.)(no tandem scraper); Power Shovels, Clamshell, Draglines, Cranes (up to and incl. 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 incl. 25 tons); Rubber-tired Scraper (self loading

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Op.; Loader (over 4 yds. up to and incl. 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and incl. 75 cu. yds. "struck" M.R.C); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 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 Op. and 2 screedmen); Tandem Cats and Scrapers; Tower Crane Mobile Universal Liebher and Tower Cranes (and similar types); Wheel excavator (up to and incl. 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

GROUP 11-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.); Op. 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)

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Clark and Southern Half of Nye (The Nevada Test Site including The Tonopah Test Range)

DECISION NUMBER: AQ-1083

DATE: Date of Publication

Supersedes Decision No. AP-912 dated June 29, 1973, in 38 FR 17421

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	$9.99	.71	.65		.01
CARPENTERS (Nevada Test Site)	6.79	.45	.60	.80	.03
CARPENTERS (Tonopah Test Range):					
Carpenters; Power actuated tools	5.66	.45		1.94	
Floorlayers; Shinglers	5.685	.45		1.94	
Power Saw Operator (overhead)	5.805	.45		1.94	
CEMENT MASONS:					
Cement Masons	6.35	.50		1.60	.03
Floor Finishing Machine	6.60	.50		1.60	.03
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	10.10	.43	1%		.05
Cable Splicers	10.43	.43	1%		.05
Groundman	8.08	.43	1%		.05
IRONWORKERS:					
Reinforcing	8.12	.63	.875	.75	.02
Ornamental; Structural	8.23	.63	.875	.75	.02
PAINTERS:					
Brush; Roller	6.87	.32	.25	1.00	.02
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	7.12	.32	.25	1.00	.02
Buffing; Sandblasters, Steel	7.33	.32	.25	1.00	.02
PLUMBERS; Steamfitters	8.40	.45	.90	1.60	.06
SHEET METAL WORKERS	9.50	.58	1.15		.03

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
GROUP 1 :	$ 5.60	.26	.60	$1.00		
GROUP 2 :	5.65	.26	.60	1.00		
GROUP 3 :	5.68	.26	.60	1.00		
GROUP 4 :	5.70	.26	.60	1.00		
GROUP 5 :	5.72	.26	.60	1.00		
GROUP 6 :	5.73	.26	.60	1.00		
GROUP 7 :	5.75	.26	.60	1.00		
GROUP 8 :	5.78	.26	.60	1.00		
GROUP 9 :	5.79	.26	.60	1.00		
GROUP 10:	5.81	.26	.60	1.00		
GROUP 11:	5.86	.26	.60	1.00		
GROUP 12:	5.89	.26	.60	1.00		
GROUP 13:	5.91	.26	.60	1.00		
GROUP 14:	5.94	.26	.60	1.00		
GROUP 15:	5.96	.26	.60	1.00		
GROUP 16:	6.025	.26	.60	1.00		
GROUP 17:	6.05	.26	.60	1.00		
GROUP 18:	6.12	.26	.60	1.00		
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)						
GROUP 1. :	6.43	.75	1.50	.30	.02	
GROUP 2 :	6.67	.75	1.50	.30	.02	
GROUP 3 :	6.91	.75	1.50	.30	.02	
GROUP 4 :	7.02	.75	1.50	.30	.02	
GROUP 5 :	7.21	.75	1.50	.30	.02	
GROUP 6 :	7.31	.75	1.50	.30	.02	
GROUP 7 :	7.24	.75	1.15	.30		
GROUP 7-A:	6.95	.75	1.15	.30		
GROUP 7-B:	6.84	.75	1.15	.30		
GROUP 7-C:	6.60	.75	1.15	.30		
TRUCK DRIVERS						
GROUP 1 :	6.705		.50			
GROUP 2 :	6.76		.50			
GROUP 3 :	6.81		.50			
GROUP 4 :	6.97		.50			
GROUP 5 :	7.155		.50			

LABORERS:

Group 1: 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

Group 2: Cutting Torch Operator (Demolition); Tarman and Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, and similar type materials

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape gardener and nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Tank scaler and cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious membrane and oiler of all materials; Riprap stonepaver; Sandblaster (Pot Tender); Making and caulking of all non-metallic pipe joints

Group 10: Operators and tenders of pneumatic and electric tools, vibrating machines, hand-propelled trenching machines, impact wrench multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, ironer, spreader, Luteman; Buggymobile man; Cement dumper (on one yard or larger mixers and handling bulk cement); Concrete saw man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and oil pipeline wrapper-pot tender and form man; Operator of cement grinding machine; Roto-scraper; Tree climber, Faller, Chain saw operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)

Group 12: Driller and/or pavement breaker

Group 13: Oversize concrete vibrator operator, 70 lbs. and over; Laying of all non-metallic pipe, including sewer pipe, drain pipe and underground tile.

Group 14: Gas and oil pipeline wrapper - 6 inch pipe and over

Group 15: 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 and placing

LABORERS: (Cont'd)

Group 16: Steel Headboardman

Group 17: Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, pump or generator; Engineer oiler and signal man; Heavy duty repairman's helper; Switchman or brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and beltman; Fireman; Generator, pump or compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, pump or compressor plant; Rotary drill helper (oilfield type); Skiploader, wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yd. or less (w/o drag-type attachments); Temporary heating plant; Truck crane oiler; Hydrostatic pump

Group 3: A-Frame or Winch Truck; Dinky locomotive or tunnel motor; Elevator hoist; Equipment greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power concrete curing machine; Power contrete saw; Power driven jumbo form setter; Rodman and chainman; Ross carrier; Self-propelled tar pipelining machine; Stationary pipe wrapping and cleaning machine; Towblade operator

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixer box (concrete or asphalt plant); Derrickman (oilfield type); Drilling machine (including water wells); Highline cableway signalman; Instrumentman; Locomotive engineer; Power sweeper; Roller, compacting; Screed; Trenching machine (up to 6 ft. depth)

Group 5: Asphalt or concrete spreading, mechanical tamping or finishing machine-roller (all types and sizes), soil, cement, asphalt - finish; Asphalt plant engineer; Deck engine; Grade checker; Heavy duty welder; Machine tool; Pavement breaker; Pneumatic heading shield - tunnel; Road oil mixing machine; Forklift, under five tons; Rubber tired, heavy duty equipment (Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Skiploader, wheeltype, over 3/4 yds., up to and incl. 1 1/2 yds.; Slip form pump (power driven hydraulic lifting device for concrete forms); Tractor-drag type shovel, bulldozer, tamper, scraper and push tractor

Group 6: Combination Heavy Duty Repairman and Welder; Concrete mixer - paving; Concrete mobile mixer; Concrete pump or pumpcrete gun; Crushing plant engineer; Elevating grade; Heavy duty repairman; Highline cableway; Hoist (Chicago Boom and Mine); Kolman belt loader and similar type; Lift slab machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor patrol

POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

(any type or size); Multiple engine-earth moving machinery; Party chief; Pneumatic concrete placing machine - Hackley-Presswell or similar type; Rotary drill, excluding caisson type; Skiploader, wheeltype, over 1 1/2 yds.; Surface heater and planer; Tractor loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling pipe wrapping, cleaning and bending machine; Trenching machine (over 6 ft. depth); Universal equipment (shovel, backhoe, dragline, clamshell, derrick, derrick barge, crane, pile-driver and mucking machine) Forklift, over 5 tons

GROUP 7: Driller Operator; Fishing Tool Engineer

GROUP 7-A: Derrickman

GROUP 7-B: Motorman

GROUP 7-C: Drillers Helpers

TRUCK DRIVERS:

GROUP 1: Light Duty Driver; Warehouseman

GROUP 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

GROUP 3: Tireman; Warehouse Clerk

GROUP 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

GROUP 5: Extra Heavy Duty Driver

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2,059
COUNTIES: Allegheny & Beaver
Date of Publication
Supersedes Decision AQ-2,017, dated August 24, 1973, in 38 FR 22864.
Description of work: Heavy and Highway Construction.

BEAVER COUNTY

HEAVY & HIGHWAY CONSTRUCTION

PA-4- LAB-2-3-L 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$6.16	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

BEAVER COUNTY

HEAVY & HIGHWAY CONSTRUCTION

PA-4-Lab-2-3-L 2 of

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$6.33	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	6.33	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.64	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.76	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		
Welder (pipeline)	8.10	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attandant	6.09	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.33	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.64	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.76	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		
Carpenters	8.15	6%	6%		
Carpenter-welder	8.38	6%	6%		
Cement masons	7.525	.4515	.75%+.4515		
Piledrivermen	8.79	5%	7%		

Allegheny County

PA-2-Lab-2-3 1 of 2

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$6.26	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

Allegheny County

PA-2-Lab-2-3-L 2 of

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$6.45	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	6.45	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.76	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.88	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		
Welder (pipeline)	8.10	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attandant	6.26	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.50	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.76	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.88	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		
Carpenters	8.15	6%	6%		
Carpenter-Welder	8.38	6%	6%		
Cement masons	7.525	.4515	.75+.4515		
Piledrivermen	8.79	5%	7%		

PA-2-PEO-2-3- F (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.23	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

PA-2-PEO-2-3- I (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$ 7.97	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.61	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.16	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.01	.35	.50		.04

PA-2-TD-2-3-G

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$6.40	7.3%	4.2%		
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	6.55	7.3%	4.2%		
Tri-axle trucks	6.64	7.3%	4.2%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	6.64	7.3%	4.2%		
Heavy off-the-road equipment (rated at forty-five tons or over)	6.73	7.3%	4.2%		
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.71	7.3%	4.2%		
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.46	7.3%	4.2%		
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.55	7.3%	4.2%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.64	7.3%	4.2%		
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck					
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	6.55	7.3%	4.2%		
Tar and Asphalt Trailer Trucks	6.64	7.3%	4.2%		
Trucks with Dolly or Trailer	6.50	7.3%	4.2%		
Bottom or Belly-Dump Trucks	6.73	7.3%	4.2%		

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2,061
Supersedes Decision No. AQ-2,018, dated August 24, 1973, in 38 FR 22867.
Description of work; Heavy and Highway Construction.

COUNTIES: Centre, Clearfield, Jefferson & Greene
DATE: DATE OF PUBLICATION

PA-5-Lab-2-3-A 1 of 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.79	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator					

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	6.04	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	6.04	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.33	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.45	.30	.30		
Multi-plate pipe (aligning and securing)	8.95	.30	.30		
Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	8.10	.30	.30		
Welder (pipeline)					
Tunnel and Shaft Work (Inside):					
Change house attandant	5.76	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.04	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.33	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.45	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		
Carpenters by counties:					
Centre, Clearfield, Jefferson	7.47	6%	6%		
Greene	7.81	6%	6%		
Carpenter-welder by the Counties:					
Centre, Clearfield, Jefferson	7.70	6%	6%		
Greene	8.04	6%	6%		
Cement masons	7.525	.4515	.75%+.4515		
Piledrivermen	8.79	5%	7%		

PA-2-PEO-2-3-[illegible] (1-2)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.23	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

PA-2-PEO-2-3-[illegible] (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$ 7.97	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.61	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	6.16	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.01	.35	.50		.04

PA-2-TD-2-3-G

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$6.40	7.3%	4.2%		
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	6.55	7.3%	4.2%		
Tri-axle trucks	6.64	7.3%	4.2%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	6.64	7.3%	4.2%		
Heavy off-the-road equipment (rated at forty-five tons or over)	6.73	7.3%	4.2%		
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.71	7.3%	4.2%		
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.46	7.3%	4.2%		
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.55	7.3%	4.2%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.64	7.3%	4.2%		
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck					
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	6.55	7.3%	4.2%		
Tar and Asphalt Trailer Trucks	6.64	7.3%	4.2%		
Trucks with Dolly or Trailer	6.50	7.3%	4.2%		
Bottom or Belly-Dump Trucks	6.73	7.3%	4.2%		

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2,062
DATE: Date of Publication
COUNTIES: Butler, Cambria, Erie, Fayette, Lawrence Mercer, Washington, Westmoreland & Somerset

Supersedes Decision No. AP-830, dated May 25, 1973, 38 FR 14053.
Description of work: Heavy and Highway Construction.

PA - 26-Lab-2-3-A 1 of 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$6.11	.30	.30		
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar. Screed operator					

PA- 26-Lab-2-3-A 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
Signal man, Whacker	$6.33	.30	.30		
All Railroad Track Work:					
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	6.33	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.64	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.76	.30	.30		
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		
Welder (pipeline)	8.10	.30	.30		
Tunnel and Shaft Work (Inside):					
Change house attandant	6.09	.30	.30		
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.33	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.64	.30	.30		
Caisson and tunnel men under pressure (0-18 pounds)	6.76	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.95	.30	.30		

PA-26 - C-P-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters (Counties)						
Butler, Washington & Westmoreland	$8.15	6%	6%			
Fayette, Erie, Lawrence, Mercer	7.81	6%	6%			
Cambria & Somerset	7.47	6%	6%			
Carpenter-welder (Counties)						
Butler, Washington & Westmoreland	8.38	6%	6%			
Fayette, Erie, Lawrence & Mercer	8.04	6%	6%			
Cambria & Somerset	7.70	6%	6%			
Cement masons	7.525	.4515	.75%+.4515			
Piledrivermen	8.79	5%	7%			

PA-2-HEO-2-3[illegible] H (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Prespiitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$8.23	.35	.50		.04
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Crease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)					

PA-2-PEO-2-3-A-H (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$ 7.97	.35	.50		.04
Compactors/Rollers (Static or Vibratory (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.61	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	6.16	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	5.01	.35	.50		.04

PA-2-TD-2-3-G 1 of

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$6.40	7.3%	4.2%		
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	6.55	7.3%	4.2%		
Tri-axle trucks	6.64	7.3%	4.2%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	6.64	7.3%	4.2%		
Heavy off-the-road equipment (rated at forty-five tons or over)	6.73	7.3%	4.2%		
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.71	7.3%	4.2%		
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.46	7.3%	4.2%		
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.55	7.3%	4.2%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.64	7.3%	4.2%		
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck					
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	6.55	7.3%	4.2%		
Tar and Asphalt Trailer Trucks	6.64	7.3%	4.2%		
Trucks with Dolly or Trailer	6.50	7.3%	4.2%		
Bottom or belly-Dump Trucks	6.73	7.3%	4.2%		

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2,063
COUNTY: Westmoreland
DATE: Date of Publication
Supersedes Decision No. AQ-2,033, dated December 14, 1973, in 38 FR 34600.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

65-PA-1- J 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.47	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers & Stonemasons:						
Fairfield & St. Clair Twps.	8.38	.45	.60		.01	
New Kensington	8.85	.35	.25			
Rostraver	9.22	.58				
Scottsdale	9.16	.35	.64			
Remainder of County	9.00	.45	.10	.63		
Carpenters	8.54	5%	7%	6%	.30%	
Cement masons	8.60	6%	16%			
Electricians	9.60	.35	1%+.20	.60	.05	
Elevator constructors	7.73	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers (Prob.)	3.865					
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers, structural	8.775	.785	.775		.03	
Ironworkers, reinforcing	8.775	.785	.775		.03	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operator, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping)	6.70	.40	.40			
West brick buggy or similar (self-propelled), power wheel barrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man - concrete buster	6.825	.40	.40			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder & pump operator	6.95	.40	.40			
Concrete saw operators	6.95	.40	.40			
Gunnite nozzleman	7.20	.40	.40			
Blaster & wagon drill operator	7.40	.40	.40			

65-PA-1- J 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$8.28	.30	1.10		.01	
Lead burners	8.75	.30		a	.01	
Line Construction:						
Lineman	10.02	.15	.10		.5%	
Cable splicers	10.02	.15	.10		.5%	
Groundman	6.01	.15	.10		.5%	
Winch truck operators	7.01	.15	.10		.5%	
Marble sette rs	8.34	.45	.75			
Marble setters' helpers	7.95					
Millwrights	7.66	5%	28½%		1%	
Painters:						
Painters, Brush	7.04	.55	.35		.12	
Painters, spray	7.54	.55	.35		.12	
Piledrivermen	9.27	5%	7%		.50%	
Plasterers	7.58	.37	.50			
Plumbers	7.23	.45	1.00	1.00	.04	
Roofers:						
Composition	8.59	4%	.95		.035	
Slate and tile	8.59	4%	.95		.035	
Sheet metal workers	8.83	.65	.85		.02	
Soft floor layers	8.245	5%	5%	4.5%	.50%	
Sprinkler fitters	9.05	.40	.60		.07	
Steamfitters	7.23	.45	1.00	1.00	.04	
Terrazzo workers	8.87	.45	.75			
Terrazzo workers dry grinding	8.355	.35	.10			
Terrazzo workers' helpers	7.855	.35	.10			
Tile setters	7.85	.35	.95			
Tile setters' helpers	7.89					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quadnine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09	
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09	
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09	
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), junbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09	
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer morter - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steem jenny (or similar type) syphon (steem or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09	
Conveyors 4 units or more	9.20	.50	.50		.09	
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type_ power driven, ladevator, mixer morter (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09	
Cranes truck oiler & fireman	7.80	.50	.50		.09	
Oiler, mechanic helper	7.70	.50	.50		.09	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERDEDEAS DECISION

STATE: Pennsylvania COUNTY: Washington County
DECISION NO.: AQ-2,064 DATE: Date of Publication
Supersedes Decision No. AQ-2,034, dated December 14, 1973, in 38 FR 34606.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION 63-PA-1-J 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.47	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers & Stonemasons:						
Twps. of Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham Peters, Robinson, Smith and Union Charleroi, Carroll, East Bethlehem, Fallowfield, North Bethlehem, Pike Run, Somerset & West Bethlehem	9.255	.35	.40			
Remainder of County	9.22	.58				
Carpenters	8.92	.45	.63			
Cement masons	8.54	5%	7%	6%	.30%	
Electricians	8.60	6%	16%			
Elevator constructors	9.60	.35	1%+.20	.60	.05	
Elevator constructors' helpers	7.73	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers (prob)	5.41	.17	.185	1½%+b+c	.005	
Glaziers	3.865					
Ironworkers, structural	7.89	.35	.44	.33	.01	
Ironworkers, reinforcing	8.775	.785	.775		.03	
Laborers:	8.775	.785	.775		.03	
Laborers, carryable pumps, west brick buggy or similar, vibrator operators walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping	6.70	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners helper, (Including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer manconcrete buster	6.825	.40	.40			
Hod carrier, scaffold builder, bell' & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.95	.40	.40			
Concrete saw operators	6.95	.40	.40			
Gunnite nozzleman	7.20	.40	.40			
Blaster & wagon drill operator	7.40	.40	.40			

BUILDING CONSTRUCTION 63-PA-1-J 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$7.28	.30	1.10		.01	
Leadburners	8.75	.30		a	.01	
Line Construction:						
Linemen & cable splicers	10.02	.15	.10		.095	
Line truck op.	7.01	.15	.10		.095	
Groundman	6.01	.15	.10		.095	
Marble setters (Charleroi)	8.34	.45	.75			
Marble setters' helpers	8.92		.10			
Marble tile and terrazzo workers (Remainder of County)	8.92					
Millwrights	7.66	5%	28½%		1%	
Painters:						
Twps. and boroughs of Jefferson Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union, Nottingham, Carroll, Fallowfield, Somerset, North Bethlehem, Centerville Borough & California:						
Painters, commercial	6.90	.30	.20		.01	
Painters, industrial	8.00	.30	.20		.01	
Remainder of County:						
Brush	6.75	.35	.10			
Spray	7.875	.35	.10			
Piledrivermen	9.27	5%	7%		.50%	
Plasterers	7.50				.01	
Plumbers & Steamfitters (Charleroi)	8.19	4%	8%		.02	
Plumbers (Remainder of County)	9.11	.60	.625		.125	
Steamfitters (Remainder of County)	8.79	.60	1.10		.065	
Roofers:						
Composition	8.59	4%	.95		.035	
Slate and tile	8.59	4%	.95		.035	
Sheet metal workers	8.83	.65	.85		.02	
Soft floor layers	8.245	5%	5%	4.5%	.50%	
Sprinkler fitters	9.05	.40	.60		.07	
Terrazzo workers (Charleroi)	8.87	.45	.75			
Terrazzo workers' helpers (Charleroi)	7.855	.35	.10			
Terrazzo workers' dry grinding	8.355	.35	.10			
Tile setters (Charleroi)	7.89	.35	.95			
Tile setters' helpers (Charleroi)	7.89					
Welders - receive rate prescribed for craft performing operation to which welding is incidential.						

63-PA-1- I 3 of 3

BUILDING CONSTRUCTION

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. 9 paid holidays: A through F and Washington's Birthday, Good Friday & Christmas Eve provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days prededing and following the holiday.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Six paid holidays: A through F.

PA-2-PEO-1-L 1 of 4

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley.	$9.425	.50	.50		.09	

PA-2-PEO-1-L 2 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09	
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09	
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09	
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), junbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone						

PA-2-PEO-1-L 3 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Toner Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09	
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09	
Conveyors 4 units or more	9.20	.50	.50		.09	
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type_ power driven, ladevator, mixer mortar (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09	
Cranes truck oiler & fireman	7.80	.50	.50		.09	
Oiler, mechanic helper	7.70	.50	.50		.09	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Allegheny

DECISION NO: AO-2065 DATE: Date of Publication

Supersedes Decision No. AO-2026, dated October 26, 1973, in 38 FR 29754.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

2-PA-1-S 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.47	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers	9.255	.35	.40			
Carpenters	8.54	.5%	7%+g		.30%	
Cement masons-finishers	8.24	6%	16%			
Electricians	9.60	.35	1%+.20	.60	.05	
Elevator constructors	7.73	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers (prob)	3.865					
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers, structural	8.775	.785	.775		.03	
Ironworkers, reinforcing	8.775	.785	.775		.03	
Laborers:						
Laborers, carryable pumps, wet brick buggy or similar, vibrator operators walk behind forklift or similar (non-self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping)	6.75	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment pipe layer, burner, jackhammer man-concrete buster	6.875	.40	.40			
Hod carrier, scaffold builder, bell & bottom man or furnaces and stacks, mortar mixer, morter mixing machine (regardless of power used including starting & stopping), grout machine feeder and pump operator	7.00	.40	.40			
Concrete saw operators	7.00	.40	.40			
Gunnite nozzleman	7.25	.40	.40			
Blaster, wagon drill operator	7.45	.40	.40			
Lathers	8.28	.30	1.10		.01	
Head burners	8.25	.30		c	.01	

AQ-2,065 P. 2

2-PA-1-S 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Line construction (Lineman, cable splicers	$10.02	.15	1%		.5%	
Groundman	6.01	.15	1%		.5%	
Winch truck operator	7.01	.15	1%		.5%	
Marble setters	8.34	.45	.75			
Marble setters' helpers	7.95		.10			
Millwrights	7.66	5%	2½%+f		1%	
Painters: Commercial:						
Brush	8.38	.275	.20			
Paperhangers	8.43	.275	.20			
Spray	8.88	.275	.20			
Painters; Industrial:						
Brush	8.68	.275	.20			
Spray	9.18	.275	.20			
Piledrivermen	9.27	5%	7%		.50%	
Plasterers	7.58	.37	.50			
Plumbers	9.11	.60	.625		.125	
Roofers:						
Composition, Slate, tile	8.59	4%	.95		.035	
Sheet metal workers	8.83	.65	.85			
Steamfitters	8.79	.60	1.10		.02	
Stonemasons	9.25	.45	.75			
Sprinkler fitters	8.855	.25	.40		.04	
Soft floor layers, carpet cutters	8.245	5%	5%+d		.50%	
Terrazzo workers	8.87	.45	.75			
Terrazzo workers	8.855	.35	.10			
Terrazzo workers' helpers, dry grinders	8.355	.35	.10			
Tile setters	7.85	.35	.95			
Welders-receive rate prescribed for craft performing operation to which welding is incidential						

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F.

c. Paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceeding and following the holiday.

d. Employer contributes 4.5% of gross pay to a saving fund.

f. Employer contributes 26% of gross wages to a saving fund.

g. Employer contributes 6% of gross wages to a saving fund.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CAT or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CAT or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone					

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09
Conveyors 4 units or more	9.20	.50	.50		.09
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type_ power driven, ladavator, mixer mortar (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,					

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09
Cranes truck oiler & fireman	7.80	.50	.50		.09
Oiler, mechanic helper	7.70	.50	.50		.09

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

AQ-2,066 P. 2

STATE: Pennsylvania COUNTY: Mercer
DECISION NO.: AQ-2,066 DATE: Date of Publication
Supersedes Decision No. AQ-2,030, dated October 26, 1973, in 38 FR 29760.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to & including 4 stories)

43-PA-1-N 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.69	.30	.30		.02	
Boilermakers	9.07	7%	7%		.01	
Bricklayers	8.45	.40	.20		.02	
Carpenters	8.31	.30	.50		.02	
Cement masons	8.24	6%	16%			
Electricians	9.30	.35	.25		.01	
Glaziers	8.57	.35	.20		.01	
Ironworkers, structural	9.37	.35	.45		.05	
Ironworkers, ornamental	9.37	.35	.45		.05	
Ironworkers, reinforcing	9.37	.35	.45		.05	
Laborers:						
Laborers, carryable pumps west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	6.70	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (Including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jack-hammerman - concrete buster	6.825	.40	.40			
Hod carrier, scaffold builder, ball & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.95	.40	.40			
Concrete saw operators	6.95	.40	.40			
Gunnite nozzleman	7.20	.40	.40			
Blaster, wagon drill operator	7.40	.40	.40			
Lathers	8.18					
Line Construction:						
Linemen	6.94	.15	1%			
Cable splicer & dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor & compressor operator	6.94	.15	1%			

43-PA-1-N 2 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction: (cont'd)						
Groundman - truck driver	$4.92	.15	1%			
Groundman	4.73	.15	1%			
Marble setters	8.365					
Marble setters' helpers	7.015					
Millwrights	9.01	.30	.50		.02	
Painters:						
Commercial	6.50	.30	.30		.01	
Roller	6.80	.30	.30		.01	
Spray	7.50	.30	.30		.01	
Painters, Industrial						
Brush	7.20	.30	.30		.01	
Roller	7.50	.30	.30		.01	
Spray	8.20	.30	.30		.01	
Piledrivermen	9.01	.30	.50		.02	
Plasterers:						
Shenango, Sandy Lake & Fredonia	8.90					
Remainder of County	8.00	.35	.20		.02	
Plumbers	9.46	.40	.40		.02	
Roofers	8.02	.35	.50		.01	
Sheet metal workers	8.90	.20	.25		.01	
Soft floor layers	8.13	.30	.50		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Steam fitters	9.46	.40	.40		.02	
Stonemasons	8.45	.40	.20		.02	
Terrazzo workers	8.87	.45	.75			
Terrazzo workers' helpers	7.015					
Tile setters	8.365					
Tile setters' helpers	7.015					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PA-2-PEO-1-L 1 of 4

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumprete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09	

PA-2-PEO-1-L 2 of 4

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09	
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09	
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09	
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), junbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09	
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer morter - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09	
Conveyors 4 units or more	9.20	.50	.50		.09	
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type_ power driven, ladevator, mixer morter (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09	
Cranes truck oiler & fireman	7.80	.50	.50		.09	
Oiler, mechanic helper	7.70	.50	.50		.09	

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Erie
DECISION NO.: AQ-2,067 DATE: Date of Publication
Supersedes Decision No. AP-834, dated May 25, 1973, in 38 FR 14060.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

25-PA-1-I 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.69	.30	.30		.04	
Boilermakers	8.96	.50	.85		.01	
Bricklayers	9.76	.30				
Carpenters	8.335	.30	.30		.02	
Cement masons	8.87	.25			½%	
Electricians	9.72	.18	1%+.18		½ of 1%	
Elevator constructors	8.51	.345	.23	2%+b+c	.015	
Elevator constructors' helpers	70% of Jr.	.345	.23	2%+b+c	.015	
Elevator constructors' helpers (prob.)	50% of Jr					
Glaziers	8.45		.20			
Ironworkers:						
Structural	873-3/4	.78	.69		.10	
Ornamental	873-3/4	.78	.69		.10	
Reinforcing	873-3/4	.78	.69		.10	
Lathers	8.63	.18			.02	
Line Construction:						
Linemen, Heavy equipment Operator	9.04	.20	1%			
Groundman - Truck driver	6.41	.20	1%			
Groundmen	6.15	.20	1%			
Marble setters	8.24	.20				
Millwrights	8.485	.30	.30		.02	
Painters:						
Brush	5.60					
Structural steel	5.82					
Spray	5.98					
Piledrivermen	8.485	.30	.30		.02	
Plasterers	9.02	.30			.015	
Plumbers	9.39	.25	.28		.04	
Roofers:						
Composition	7.20	.30	.30			
Sheet metal workers	8.425	.65	.85		.02	
Soft floor layers	8.335	.30	.30		.02	
Sprinkler fitters	9.05	.40	.60		.07	
Steam fitters	9.39	.25	.28		.04	
Stone masons	9.76	.30				
Terrazzo workers	8.24	.20				
Tile setters	8.24	.20				
Truck drivers:						
Truck drivers	5.45			a		
Welder: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One week vacation after 1 year's work; two week's vacation after five years of service.

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. Employee agree to contribute $54.94 per month.

e. Employer agree to contributes $12.00 per week.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Building & common, carpenter tender, heaters & salamanders, power sweepers, power vacum sweepers, pumps including 1½", signal man concrete bucket, wrecking & demolition, window washing	$7.00	.30	.50		.01	
Bricklayer & mason tenders, electric operated conveyor, electric operated hoist, fork lift up to 9 ft., plumber & sewer laborers, scaffold builders, float grinder & sander	7.10	.30	.50		.01	
Burners, concrete saw operator, hod carriers, mortar mixers, plaster tankers, powered wheelbarrows & buggies	7.20	.30	.50		.01	
Dual vibrator roller (walk behind type), Berfix cutting tool, blasters helpers, drill operator helper, jackhammer & air tool operators, mechanical tampers & air tampers, vibrator - air or otherwise	7.25	.30	.50		.01	
Mixing mortar for more than 3 masons by hand	7.30	.30	.50		.01	
Blasters, drill operators, gunite nozzle man & machine man	7.40	.30	.50		.01	
Plaster mixing machine & pump	7.45	.30	.50		.01	

POWER EQUIPMENT OPERATORS
Building Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Auger (truck or tractor mounted), austin western or similar type, austin western or similar type up to 25 tons (25 tons or over requires an oiler), backhoe, backhoe (under 5/8 yd.), batch plant - automatic, boom - side, cableways, conveyor belts - up to 4 floors, conveyor belts - over 4 units, crane - tower (climbing type), derrick - (all types), derrick - traveler, dragline, drill-caisson, electro matic or similar, grad-all (remote control or otherwise), helicopter, helicopter - hoist operating, hi-lift (3 yds, or over), hoist - on 50 ft. stack or over, hoist on slip form jobs, hoist - hod (single cage), hoist - hod (2 cages up to 10 floors), hop - to or similar type with 360 degree swing, hop-to or similar type with 360 degree swing under 5/8 yd., Koehring scooper, kocal or similar type, leverman, mix mobile or similar type, mixer - concrete paving, mixer - paving (self propelled), multiple bowl machines or multi-engine, pile driver - franki or similar type, pile driver (when assistance is required it will be an operating engineer), placer - belt (concrete), plant - central mix, quad nine, shovels (all types), shovels (under 5/8 yd.), tractors - boom mounted (all types), tugboat, whirlers, boat - job work (inboard or outboard), bulldozer, carrier ross or similar type, compactor - (with blade attached), curb builder - self propelled, drill - core, drill - well & core (truck mounted), engineer - maintenance (daily rated) grader, grader - elevating, greaser - equipment, hi-lift (less than 3 yds.), hoist - 2 drums in one unit, hop-to or similar type with 180 drgree swing, tractors (all types with hydraulic backhoe attached, cranes tower						

POWER EQUIPMENT OPERATORS: (CONT'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Metro chip harvester (or similar type), mixer - paving mixer - mortar - over 10 cu. ft., plant - crushing & screening, pumplrete - mobile or similar type road builder - automatic, scoop - self-powered & tractor drawn (single bowl), spray cure machine (power drive), spreader, steam jenny (or similar type) syphon (steam or air) Tractors (all types with hydrauiic backhoe attached	$8.87	.50	.50		.10	
Austin western or similar type with jib + .25¢, austin western or similar type 25 ton or over with jib +.25¢, cranes (excluding over head cranes), crane-placed on building structure, hoist single cage with chicago boom attached + .25¢, engineer - lead, hoist - hod (2 cages over 10 floors)	9.14	.50	.50		.10	
Cranes - 100 ft. to 150 ft.	9.14	.50	.50		.10	
Cranes - 150 ft. to 200 ft.	9.40	.50	.50		.10	
Cranes - Over 200 ft.	9.67	.50	.50		.10	
Back filling machine, boat - material or personnel, compressor & air pump, compressor & air tugger, compressor & gunnite machine (combination), compressors & sand blasting unit (combination), compressors (two), crane - overhead, fork lift - elevating - lull or similar type generators - two, grader - sub, jumbo - power, layer - cable, layer - pipe - no joint, lift slab machine, locomotive, machines - other minor, machines - small (two), mucking machine, mobile tower, pipe - bending machine (pipeline only), pipe - cleaning machine, pipe - wrapping machine, plant - asphalt operator, plant - portable cursh-ing & screening, plant - refrigeration pump - grout, spreader - concrete, asphalt & stone, well point systems (section IC), winch truck (handling steel), wire wrapping machine - pre stress, drill - davey or similar, drill - truck mounted and/or core drill for testing, elecvator (new buildings and major remodeling of old), hoist						

POWER EQUIPMENT OPERATORS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
one drum, paver - asphalt, post driver - guard rail (other than truck mounted), post driver - guard rail (truck mounted), pumpkrete machine operator - stationary, pumpkrete - or similar type (not self - propelled), tire repairman, trencher machine, welder, welding machines (up to and including 4)	$8.46	.50	.50		.10	
Boiler, breaker - pavement (self-propelled or ridden), compactor (ridden or self-propelled), crane - carry, crusher - stone, drill - well (horizontal), drill (self-propelled & self contained), elevator (alterations of old buildings), finisher - broom (C.M.I. or similar type), finishing machine & spreader (concrete), forklifts (ridden or self-propelled), form line machine, minor equipment (all other), motorman, pipe dream, roller, saw - concrete (ridden or self-propelled), soil stabilizer, tractors (when used for snaking and hauling), truck - winch, tugger	8.35	.50	.50		.10	
Compressor - single (over 65 cu. ft. regardless of power used, hoist - mono-rail (regardless of power used), pump (over 1½ inch discharge regardless of power used), oiler - truck crane (50 tons or over & fireman)	8.05	.50	.50		.10	
Blaster - water, boring machine, broom - power, compressor - 65 cu. ft. or under (regardless of power used)(2 gun painters), conveyor - 1 story (regardless of power used), conveyor - (over 1 and up to 3 units regardless of power used), generator (4 KW or over), hauck machine or similar type, heaters - up to and including four, jack & pump - motor hydraulic, jenny - steam (or similar type), ladavator, mixer - concrete (regardless of power used), mixer - mortar (over 10 cu. ft. regardless of power used), mobile - track (or similar type), mulching machine, pin puller, pulverizer, pump - 1½ inch discharge or less, regulator - ballast, seeding machine, shoulder, spray cure machine,						

PA-25 PEO 1 E 4 of 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
syphon - (steam or air), tie tamper (multiple heads), tractor - farm (when used for landscaping), welding machine - single (300 amp. or over), oiler, truck crane	$7.61	.50	.50		.10	
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.36	.50	.50		.10	

SUPERSEDEAS DECISION

STATE: Pennsylvania
COUNTY: Lawrence
DECISION NO.: AQ-2,068
DATE: Date of Publicati
Supersedes Decision No. AQ-2,027, dated October 26, 1973, in 38 FR 29760.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

37-PA-1 I 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.69	.30	.30		.02	
Boilermakers	9.07	7%	7%		.01	
Bricklayers	8.02	.35	7%			
Carpenters	8.54	5%	7%+1		.30%	
Cement masons	8.70					
Electricians	9.56	.30	.1%+.10		½of1%	
Elevator constructors	8.59	.345	.23	2%+b+c	.015	
Elevator constructors' helpers	70%ofJR	.345	.23	2%+b+c	.015	
Elevator constructors' helpers (prob.)	50%ofJR					
Glaziers	8.57	.35	.20		.01	
Ironworkers, structural, orn., & rein.	9.37	.35	.45		.05	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	6.70	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (Including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man-concrete buster	6.825	.40	.40			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator & concrete saw op.	6.95	.40	.40			
Gunnite nozzleman	7.20	.40	.40			
Blaster, wagon drill operator	7.40	.40	.40			
Lathers:						
Wilmington, Plain Grove, Hickory, Washington and Scott Townships	8.18					
Balance of County	8.225	.35	.10		.01	
Lead burners	8.75	.30		a	.01	

AQ-2,068 P. 2
37-PA-1 I 2 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Linemen	$9.04	.20	1%			
Groundman-truck driver	6.41	.20	1%			
Groundman	6.15	.20	1%			
Marble setters	8.02	.35	7%			
Marble setters' helpers	7.95		.10			
Millwrights	7.66	5%	2½%+26%		1%	
Painters, commercial:						
Brush	6.50	.30	.30		.01	
Roller	6.80	.30	.30		.01	
Spray	7.50	.30	.30		.01	
Painter, Industrial:						
Brush	7.20	.30	.30		.01	
Roller	7.50	.30	.30		.01	
Spray	8.20	.30	.30		.01	
Piledrivermen	9.27	5%	7%		.50%	
Plasterers	8.90					
Plumbers and steamfitters (Ellwood City)	9.53	.381	.381		.05	
Plumbers and steamfitters - Remainder of County	8.53	.25			.05	
Roofers	7.52	.35	.50		.01	
Sheet metal workers	8.83	.65	.85		.02	
Soft floor layers	8.245	5%	5%+d		.50%	
Stone masons	8.02	.35	7%			
Sprinkler fitters	9.05	.40	.60		.07	
Terrazzo workers	8.02	.35	7%			
Terrazzo workers' helpers	7.95		.10			
Tile setters	8.02	.35	7%			
Tile setters' helpers	7.95		.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

37-PA-1-H 3 of 3

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. 8 paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

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 and 6 paid holidays, A through F.

c. Six paid holidays: A through F.

d. Employer contributes 4.5% of gross pay to a saving fund.

f. Employer contributes6% of gross earning to a saving fund.

PA-2-HO-1-L 1 of 1

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant-when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted) pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley	$9.425	.50	.50		.09

PA-2-PEO-1-L 2 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar type up to 25 ton with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & inculding 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-hod (2 cages over 10 floors)	$9.675	.50	.50		.09	
Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead	9.925	.50	.50		.09	
Cranes (boom or mast over 200 ft. +.75	10.175	.50	.50		.09	
Asphalt Plant Operator, athey loader, auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat or job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), junbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie, cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone						

PA-2-PEO-1-L 3 of 4

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpkrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman)	$9.275	.50	.50		.09	
Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self propelled) drills-well and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine (power driven steem jenny (or similar type) syphon (steem or air), welding machine single (300 amp or over) (other than electrically driven	8.70	.50	.50		.09	
Conveyors 4 units or more	9.20	.50	.50		.09	
Conveyor one (1) unit (regardless of power used), heaters - up to and including Jack Motor Hydraulic (single type_ power driven, ladavator, mixer mortar (10 cubic ft. or under), mulching machine, pin puller (powered), pulverizer, seeding machine,						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck cranes 50 ton or over	$7.95	.50	.50		.09	
Cranes truck oiler & fireman	7.80	.50	.50		.09	
Oiler, mechanic helper	7.70	.50	.50		.09	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2,069
COUNTY: Luzerne
DATE: Date of Publication
SUPERSEDES DECISION NO.: AQ-2,047, dated February 2, 1974, in 39 FR 4377.
DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to and including 4 stories.

40-PA-1-T 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 8.49	.50	.35		.01	
Boilermakers	9.12	.50	.100	.25	.01	
Bricklayers and Stonemasons						
Avoca, Exeter, & Pittston	8.30	.20				
Hazleton, Berwick & Freeland:						
Commercial	7.35	.30	.50			
Nescopeek, Hollenback & Salem Twps.	8.50	.30				
Remainder of County	8.60	.35	.50			
Carpenters:						
Hazleton and Freeland:						
Commercial & Industrial	7.65	.25	.25		.02	
Remainder of County	7.95	.25	.25		.02	
Cement Masons:						
Pittston, Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca	7.70	.40	.40			
Hazleton and Freeland	8.075					
Remainder of County	8.55					
Electricians (Hazleton)						
Commercial	8.47	.35	1%+.25	f	.12	
Remainder of County	8.15	.20	1%+.35	.35	.005	
Elevator Constructors	7.66	.195	.20	1-½%a+b	.005	
Elevator Constructors' helpers	5.36	.195	.20	1-½%a+b	.005	
Elevator Constructors'helpers(Prob)	3.83					
Glaziers	7.75	.35	.30			
Ironworkers:						
Structural and Ornamental	9.15	d			..05	
Reinforcing	8.95	d			.05	
Lathers:						
Pittston, Avoca, Dupont & Duryea	8.08		.10		.01	
Remainder of County	8.10		.15		.01	
Leadburners	8.75	.30		e	.01	
Line Construction:						
Linemen, Dynamiteman, Heavy equipment operator	9.04	.20	1%			
Groundman	6.15	.20	1%			
Groundman - truck driver	6.41	.20	1%			
Marble setters:						
Pittston	8.15	.20				
Hazleton	6.85	.30	.50			
Remainder of County	8.32					
Millwrights	8.79	.25	.25		.02	

40-PA-1-T 2 of 3

Painters:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Pittston:					
Brush, Commercial	5.85				
Industrial	6.64				
Remainder of County					
Brush	6.85	.30	.20		
Tapers	7.11	.30	.20		
Hazardous	8.11	.30	.20		
Piledrivermen	9.42	1.23	.55	&	.07
Plasterers:					
Hazleton	6.33				
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	7.85	.40	.40		
Remainder of County	8.25				
Plumbers:					
Pittston	7.77	.35	.75		.06
Hazleton:					
Commercial	7.70	.30	.25		
Wilkes Barre	8.09	.28	.50		.05
Roofers, composition & kettlemen	7.60	.50	.40		
Sheet metal workers	7.87	.25	.30		.04
Soft floor layers	7.39	.25	.25		.02
Sprinkler fitters	9.05	.40	.60		.07
Steamfitters:					
Wilkes Barre	7.77	.35	.75		.06
Pittston	7.77	.35	.70		.06
Hazleton	7.70	.30	.25		

Welders-receive rate for craft

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit
b. Six paid holidays: A through F.

BUIDLING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
d. Employer contributes $1.50 per hour to healt and welfare and pension fund.						
e. Eight(8) paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.						
f. Paid Holidays: July 4th and Labor Day.						
g. Paid Holidays: Washington's Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; and Thanksgiving Day.						

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Hazleton)	$5.80	.25	.25			
Mason Tenders including Scaffold Builders	6.20	.25	.25			
Pneumatic, electrical & mechanical tool operators, 2" pumps-non metallic pipelaying and making joint clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist.	5.90	.25	.25			
Plasterer tenders, blasters, and wagon drill operators	6.05	.25	.25			
Laborers: Remainder of County						
Unskilled laborers	6.52	.25	.25			
Semi skilled laborers, Pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelayer and making of joints, clay terra cotta, ironstone, vitrified concrete, Handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	6.72	.25	.25			
Plasterers tender, blaster, wagon drill ops; scaffold builders	6.84	.25	.25			
Wrecking or demolition	6.62	.25	.25			
Mason tenders & scaffold builders	6.92	.25	.25			

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.
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-22-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.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers; Pittston:					
Truck Drivers:					
Class I					
Helper, Stake Body Truck (Single axle) Dumpster	$5.99				
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06				
Class III					
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55				

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